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GLASGOW CORPORATION
WATERWORKS.

Acts of Parliament, &c.

Mar. 1906

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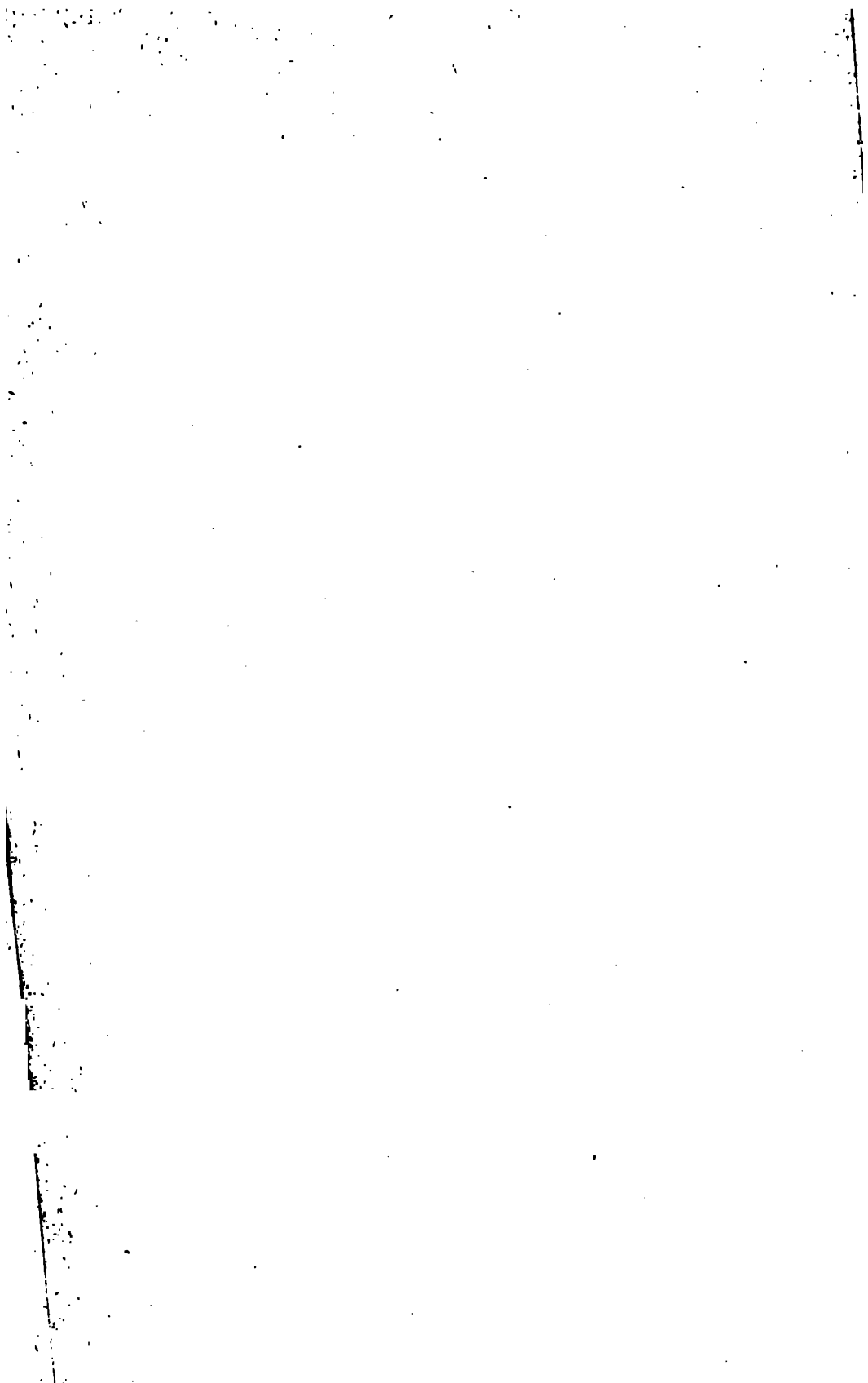


Mar. 1906

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water



Acts of Parliament
AND OTHER DOCUMENTS
RELATING TO
THE GLASGOW
CORPORATION WATERWORKS

WITH
EXPLANATORY NOTES AND CASES &c, THE SEVERAL ACTS
INCORPORATED THEREWITH, AND INDEX.



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PREFACE.

The present volume has been prepared under the authority of the Water Committee of the Glasgow Corporation Water Commissioners, and is, as nearly as possible, in the same form as the collection of Acts and other Documents relating to the Glasgow Corporation Tramways.

The first part of the volume contains all the Acts which have been obtained by the Commissioners relative to the water undertaking, arranged in chronological order; and Notes have been added to assist in connecting the provisions applicable to each matter. The Appendix contains the general public and local Acts incorporated with the Glasgow Corporation Water Acts, or the provisions of which are applicable to the water undertaking; the clauses of the Acts of the Glasgow Water Company and the Gorbals Gravitation Water Company, so far as these appear to be still in force, or have not been superseded by the provisions of the Acts obtained by the Commissioners, or the provisions of the Waterworks Clauses Acts 1847 and 1863; the Byelaws made by the Commissioners on 16th July 1863; and various Agreements and other Documents relating to the water undertaking.

Where the provisions of any Act have been repealed or altered this is indicated in the Notes, and sections which have been entirely repealed are printed in italics. The Notes also contain what it is hoped may be useful information on the subject of the various Acts and Documents embraced in the volume. A full Index of matters, and a Table of the decisions and authorities referred to in the Notes, have also been added.

The Notes and Index have been prepared, and the whole of the Acts and other Documents carefully collated, by my assistant, Mr. Bowers.

Since the present volume was completed, the Corporation have obtained an Act entitled "The Glasgow Corporation Loans Act 1883." This Act comes into operation on 1st Jan., 1884, from and after which date the present system under which the Water Commissioners, and the other statutory Commissioners therein specified, borrow separately the sums which they are respectively authorised to borrow, will be discontinued, and the Corporation will thereafter continue on loan, or borrow, all the moneys which may from time to time be required by the several Commissioners, and lend the same to these Commissioners under the provisions of the Act.

From and after the commencement of the Loans Act all the obligations of the Water Commissioners and the other Commissioners therein specified, with respect to the payment of interest on mortgages, and the repayment of the principal moneys borrowed by them, will be transferred to and performed by the Corporation. Provision is also made by the Act for payment into "The Corporation Loans Fund," of the prices which may from time to time be received by the several Commissioners, upon the sale of any surplus lands and heritages belonging to them respectively, and as to the manner in which such prices, when so put into that fund, are to be dealt with.

By section 68 of the Act, however, it is expressly provided that nothing in or done under the same is to affect any annuity granted by either the Water Commissioners or the Gas Commissioners.

J. D. MARWICK,

Town Clerk.

GLASGOW, Sept., 1883.

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AN

ACT

To authorize and empower the Magistrates and Council of the City of Glasgow to supply with Water the said City and Suburbs thereof, and Districts and Places adjacent ; to purchase and acquire the Glasgow Waterworks, and the Gorbals Gravitation Waterworks ; and to introduce an additional supply of Water from Loch Katrine ; and for other purposes.

18 AND 19 VICTORIÆ, CAP. 118.

[*Royal Assent, 2nd July, 1855.*]

WHEREAS by the Local Act of the Forty-sixth year of 46 G. III. George the Third, Chapter One hundred and thirty- c. cxxxvi. six, "The Company of Proprietors of the Glasgow Water-works" were incorporated, and by that Act and the Local Act of the Fifty-ninth year of George the Third, Chapter 59 G. III. Sixty-seven, were empowered to construct and maintain c. lxxvii. waterworks and other works for the purpose of supplying the inhabitants of the city of Glasgow and the suburbs thereof with water from the river Clyde at or near Dalmarnock, and to take water from the Clyde for such supply :

And whereas that Company proceeded to put those Acts into execution, and constructed waterworks and other works :

And whereas by the Local Act of the Forty-eighth year of 48 G. III. George the Third, Chapter Forty-four, "The Company of c. xlv. Proprietors of the Cranstonhill Waterworks" were incorporated, and by that Act and the Local Acts of the Fifty- 52 G. III. second year of George the Third, Chapter Fifty-two, and of c. lii. the Fifty-ninth year of George the Third, Chapter One 59 G. III. hundred and seventeen, were empowered to construct and c. cxvii. maintain waterworks and other works for the purpose of affording an additional supply of water to the said city and suburbs and places adjacent from the river Clyde at Cranstonhill and at Dalmarnock, and to take water from the Clyde for such supply :

And whereas that Company proceeded to put those Acts into execution, and constructed waterworks and other works :

2 GLASGOW CORPORATION WATERWORKS ACT, 1855

1 & 2 Vict.
c. lxxxvi.

And whereas by the Local Act of the First and Second year of Victoria, Chapter Eighty-six, the three recited Acts relating to the Company of Proprietors of the Cranstonhill Waterworks were repealed, except as to the powers of procuring and raising water to be distributed among the inhabitants of the said city and suburbs and places adjacent, which powers, along with the whole works and property of the said Company, were thereby transferred to and vested in the Company of Proprietors of the Glasgow Waterworks :

9 Vict. c. xxi.

And whereas by the Local Act of the Ninth year of Victoria, Chapter Twenty-one, the last-mentioned Company were empowered to introduce into the said city and suburbs an additional supply of water from Loch Lubnaig, in the County of Perth ; but the works which were authorized for that purpose have not been executed, and the powers of compulsorily taking land in order to execute the same have expired :

9 & 10 Vict.
c. cccxlvii.

And whereas by the Local Act of the Ninth and Tenth year of Victoria, Chapter Three hundred and forty-seven, "The Gorbals Gravitation Water Company" were incorporated, and by that Act and by the Local Acts of the Thirteenth and Fourteenth year of Victoria, Chapter Ninety-two, and of the Sixteenth and Seventeenth year of Victoria, Chapter Ninety-seven, were empowered to construct and maintain waterworks and other works for the purpose of supplying with water the Barony or Regality of Gorbals, and other places included within the limits of the said Acts, from the stream or river called the Brock or Brockburn, in the County of Renfrew, and other sources :

13 & 14 Vict.
c. xcii.

16 & 17 Vict.
c. xcvi.

And whereas that Company proceeded to put these Acts into execution, and have constructed waterworks and other works :

And whereas the present supply of water to the said city of Glasgow, suburbs thereof, and places adjacent, is inadequate and insufficient both in quantity and purity for the wants and convenience of the present and rapidly increasing population, trade, and manufactures of the said city and suburbs and places adjacent :

And whereas it is expedient that the supply of water to the said city and suburbs and places adjacent should be provided by and placed under the control, regulation, and management of the Magistrates and Council of the said city, as representing and for and in behalf of the community of the said city, and that the undertakings of the Company of Proprietors of the Glasgow Waterworks and the Gorbals Gravitation Water Company respectively, and their whole rights and privileges, lands, buildings, streams, reservoirs,

works, and other property, should be vested in the said Magistrates and Council:

And whereas it is necessary for the health, comfort, and convenience of the inhabitants that a more abundant supply of good, pure, and wholesome water, should be afforded to the inhabitants of the said city and suburbs and places adjacent; and the said Magistrates and Council of the said city are desirous, and it would be of public advantage that they should as Commissioners for that purpose be authorized to introduce such additional supply of water from Loch Katrine, in the Counties of Perth and Stirling, into and distribute the same to and among the inhabitants of the said city, suburbs thereof, and districts and places adjacent, and for that purpose, and for the purpose of affording a supply of water to the parties at present interested in the water flowing from the said Loch, to impound, take, and draw off the water of the said Loch, and to make and maintain such aqueducts or conduits, and to lay down, make, and maintain such lines of pipes, and to execute all such other works, as may be necessary for these purposes, and that they should also be empowered to make and maintain, in connection with the said works, a Service or Distributing Reservoir at or near to Muirhouse of Drumclog, near the village of Milngavie, in the County of Stirling, and to convert Loch Venacher and Loch Drunkie, both in the County of Perth, into Compensation Reservoirs, by raising and drawing down the waters thereof:

And whereas such several purposes cannot be effected without the authority of Parliament:

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be Enacted; and be it Enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. This Act may be cited for all purposes as "The Glasgow Short Title. Corporation Waterworks Act, 1855."

II. The following words and expressions in this Act shall have the several meanings hereby assigned to them; that is to say: The word "Commissioners" shall mean the Magistrates and Council of the city of Glasgow, and their successors in office for the time being, Commissioners appointed under this Act: The word "Treasurer" shall mean the Treasurer for the time being to be appointed by the Commissioners under this Act: The expression "Lord Provost" Interpretation of Terms

4 GLASGOW CORPORATION WATERWORKS ACT, 1855.

shall mean the Lord Provost of the city of Glasgow for the time being: The word "Magistrates" shall mean the Magistrates of the city of Glasgow, or any one of them, and shall include the Lord Provost and Bailies: The word "Sheriff" shall mean the Sheriff of the county of Lanark, or any one of his Substitutes.

8 & 9 Vict. c.
xix. incorpor-
ated.

III. "The Lands Clauses Consolidation (Scotland) Act, 1845," shall be incorporated with and form part of this Act.

10 & 11 Vict.
c. xvi. incor-
porated.

IV. "The Commissioners Clauses Act, 1847,"¹ with the exception of the clauses and provisions with respect to the following matters, that is to say, with respect to the qualification of Commissioners, with respect to the election and rotation of the Commissioners where the Commissioners are to be elected by the ratepayers or other like class of electors, and with respect to the meetings and other proceedings of the Commissioners, and their liabilities, shall be incorporated with and form part of this Act.

¹ The incorporated clauses of this Act will be found in the Appendix, p. 131.

10 Vict. c.
xvii. incorpor-
ated with this
Act.

V. "The Waterworks Clauses Act, 1847,"¹ except the provisions with respect to the amount of profit to be received by the undertakers when the Waterworks are carried on for their benefit, and except as regards any matter or thing otherwise provided for in this Act, shall be incorporated with this Act, and applied to the works hereby authorized to be made and executed, and also to the waterworks, lands, hereditaments, rights, easements, credits, and effects hereby vested in the Commissioners, or in, over, or upon which the Commissioners have by this Act any power or right; and the words "lands" and "streams" used therein shall mean not only the lands and streams of water hereby authorized to be taken or used, but also the lands and streams by this Act vested in the Commissioners, or over, or in which the Commissioners have by this Act any power or right; and the expression "the undertaking" used therein shall mean and include not only the undertaking and works hereby authorized, but also the existing undertakings and works of the said Company of Proprietors of the Glasgow Waterworks and the said Gorbals Gravitation Water Company respectively by this Act vested in the Commissioners.

¹ The incorporated clauses of this Act will be found in the Appendix, p. 148.

Appointment
of Commis-
sioners.

VI. The Magistrates and Council of the city of Glasgow, and their successors in office for the time being, as representing and for and on behalf of the community of the said

city, are hereby appointed Commissioners for executing and carrying into effect the purposes of this Act.

VII. It shall be lawful for the Commissioners, at any Meetings of Meeting duly called by order of the Lord Provost or acting Commissioners Chief Magistrate of the said city for the time being, to proceed to put this Act into execution, and to transact the general business relating to the Water Supply; and the first Meeting of the Commissioners shall be held within the Council Chambers of the said city on the fourth Thursday after the passing of this Act, and an Annual General Meeting of the Commissioners shall be held on the third Thursday of July in every year thereafter; and at all Meetings of the Commissioners fifteen Commissioners shall form a quorum, and the Lord Provost or the senior Magistrate present shall be Preses, and in case of equality of votes shall have a casting vote as well as a deliberative vote: provided always, that the Lord Provost or acting Chief Magistrate shall be bound to call special Meetings of the Commissioners upon a requisition being presented to him, subscribed by five Commissioners, stating the purpose of the Meeting, which shall be set forth in the notice calling such Meeting, and shall be intimated by a written or printed card to each Commissioner at least forty-eight hours before such Meeting shall be held; and no other business shall be considered at any such special Meeting except that which shall be set forth in such notice.

VIII. *The Commissioners shall from time to time appoint out of their own body a Committee, to be called "The Water Committee," consisting of such number of persons as they shall think fit, for carrying into execution the purposes of this Act, and shall fix the quorum of such Committee and name a Convener and Sub-Convener thereof; and the persons appointed members of such Committee shall continue to be members thereof during their respective terms of office as Councillors; and such Committee shall have power from time to time to appoint Sub-Committees of their number; provided that in the event of any vacancy occurring by the death or resignation of any member of Committee, such vacancy shall be filled up at the next meeting of Commissioners after notice of such vacancy shall have been given.* Committee to be appointed.

This section was repealed, and other provisions made relative to the appointment, powers, and actings of the Water Committee, by section (17) of "The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Glasgow) Act, 1877." See Appendix, p. 227.

6 GLASGOW CORPORATION WATERWORKS ACT, 1855.

Quorum and
Proceedings
of Committee.

IX. The Committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper; but no business shall be transacted at any meeting of the Committee unless the Quorum of members fixed by the Commissioners be present; and at all meetings of the Committee the Convener or Sub-Convener appointed by the Commissioners, or in their absence any other member to be appointed by the members present, shall be Chairman; and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the Chairman shall have a casting vote in addition to his vote as a member of the Committee.

Water Ac-
count to be
kept.

X. The Treasurer shall keep a separate and distinct Account, to be called "The Glasgow Water Account," of all monies received and paid under the powers and provisions of this Act, and all rates and monies received by the Commissioners or the Treasurer under the provisions of this Act shall be carried to the credit of the said Account.

See sections 14 and 15 of the Glasgow Corporation Waterworks Amendment Act, 1859 (p. 51) for provisions with reference to balancing and auditing "The Glasgow Water Account."

Undertakings
of the Glas-
gow Water
Company and
the Gorbals
Gravitation
Water Com-
pany vested
in the Com-
missioners.

XI. On the Fifteenth day of May, One thousand eight hundred and fifty-six, the Undertakings of the Company of Proprietors of the Glasgow Waterworks and of the Gorbals Gravitation Water Company, and their whole rights and privileges, lands, buildings, streams, reservoirs, works, and other property (except any undivided revenue previously drawn by the said Company of Proprietors of the Glasgow Waterworks), shall vest in the Commissioners, subject to the burdens, debts, and obligations of the said Companies.

Compensa-
tion to be
made to the
Companies.

XII. The Commissioners shall make Compensation to the said Companies respectively for their undertakings, rights, privileges, and property as aforesaid to be so vested in the Commissioners.

Conveyances
to be executed
by the Com-
panies.

XIII. The said Gorbals Gravitation Water Company shall and they are hereby required to execute and deliver to the Commissioners, on or before the said Fifteenth day of May, a proper Deed of Conveyance of their whole undertaking, property, and works as aforesaid; and the said Company of Proprietors of the Glasgow Waterworks shall and they are hereby required to execute and deliver to the Commissioners, within one month after the rate or rates of annuities payable to the Shareholders thereof is or are fixed under the provisions herein-after contained, a proper Deed of Conveyance of their whole undertaking, property, and works, as afore-

said, and in which Deeds of Conveyance respectively the consideration shall be fully and truly stated, and which Deeds of Conveyance respectively shall be duly stamped for denoting the proper *ad valorem* stamp duty in respect of such considerations respectively, and the expenses of such Conveyances, including the stamp duties, shall be paid by the Commissioners.

The Deed of Conveyance by the Gorbals Gravitation Water Co., in favour of the Commissioners, was executed of date 4th April, 1857; and that by the Company of Proprietors of the Glasgow Waterworks, in favour of the Commissioners, of date 31st December, 1857.

XIV. And with respect to the Compensation to be made to the Company of Proprietors of the Glasgow Waterworks, be it enacted, That the Commissioners shall be bound to pay to the several holders of ordinary and preference shares in the capital of the said Company, perpetual annuities at such rate or rates respectively as may be fixed by Agreement between the Directors of the said Company and the Commissioners, or as, in the option of such Directors or of the Commissioners, shall be fixed by Arbitration, under the provisions with respect to the settlement of disputes by arbitration contained in the "Companies Clauses Consolidation (Scotland) Act, 1845," which are hereby incorporated with this Act; provided, that in fixing the rate or rates of the annuities to be paid as aforesaid the arbitrator or arbitrators, or their umpire, shall have regard to the amount of Compensation which would have been payable to the said Company if such Compensation had been made payable in a capital sum.

Amount of Compensation to Glasgow Water Company to be fixed by Agreement or Arbitration.

The perpetual annuities payable to the Shareholders of the above Company were fixed and determined by arbitration on 15th December, 1856, and amount in whole to £16,167 6s. per annum, being at the rate of £6 per centum on the sum of £41,680, and £4 10s. per centum on the sum of £303,700.

XV. The Expenses of and incident to such Arbitration, and the Transfer of the undertaking, rights, privileges, and property of the said Company as by this Act directed, shall be paid by the Commissioners.

Expenses of Arbitration and Transfer to be paid by the Commissioners.

XVI. The arbitrator or arbitrators, or their umpire, in fixing the rate or rates of the annuities to be paid as aforesaid, shall not take into consideration the powers contained in this Act, or any of the statements in the preamble thereof, as enhancing or depreciating the amount to be awarded by them.

Powers contained in this Act not to be taken into account in fixing Compensation.

8 GLASGOW CORPORATION WATERWORKS ACT, 1855.

Compensation to Shareholders of Gorbals Gravitation Water Company to be paid by Annuities.

XVII. And with respect to the Compensation to be made to the Gorbals Gravitation Water Company, be it enacted, That the Commissioners shall pay to the several Shareholders of the said Company Perpetual Annuities amounting in the whole to Ten thousand eight hundred Pounds per Annum, being at the rate of Six Pounds per centum on the sum of One hundred and eighty thousand Pounds of capital or stock which the said Company are by the recited Acts relating thereto authorized to raise in Shares of Ten Pounds each.

Annuities to vest in Shareholders of Company.

XVIII. And with respect to the Compensation to be made to both of the said Companies, be it enacted, That the said Annuities shall be called "The Glasgow Corporation Waterworks Annuities," and shall vest in and belong to the several parties who, on the Fifteenth day of May, One thousand eight hundred and fifty-six, may be Shareholders in the said Companies respectively.

Annuities to represent Shares in Company.

XIX. The said Annuities on the capital of the said Companies respectively shall in all respects be substituted for and represent the shares therein, and the several parties in whom any Annuities become vested under this Act shall be possessed thereof respectively upon the same trusts, and subject to the same powers, provisions, charges, and liabilities, as those upon and to which their respective Shares in the capital of the said Companies respectively are, on the date at which the said Annuities become so vested as aforesaid, held and subject, and the said Annuities shall be conveyed or affected by any deed, will, or other instrument disposing of or affecting such Shares.

Commissioners to issue Certificates for Annuities.

XX. The Commissioners shall at their own expense issue to every Shareholder in whom any Annuity becomes vested under this Act, or to his executors, administrators, or assignees, on demand in writing made by him or them to the Commissioners, and on delivery by him or them to the Commissioners of the Certificate of the Share in the capital of the Company for which the Annuity is substituted, an Annuity Debenture for each such Share, and such Debenture shall be in the form in the Schedule (A.) to this Act annexed, or to the like effect.

Provisions in case of Loss of Certificates of Shares.

XXI. If any Certificate of a Share in the capital of either of the said Companies be lost or destroyed, then on proof thereof the Commissioners shall issue to the party entitled to the Certificate so lost or destroyed a Debenture for the Annuity substituted for that Share, and in case the Commis-

sioners shall not be satisfied with the proof offered by such party, he may appeal to the Sheriff, who shall decide summarily as to the proof requisite in the circumstances of each case.

XXII. The Debentures issued by the Commissioners to any person entitled thereto shall be so many and each of them for so many Annuities, but not exceeding in the aggregate the whole number of his Annuities, as he by notice in writing to the Commissioners shall require; provided that if or so far as any person does not require any particular number of Debentures to be issued to him, then the Commissioners shall issue to such person one Debenture for each Share held by him in either of the said Companies.

XXIII. The Commissioners shall keep a book called "The Register of Glasgow Corporation Waterworks Annuities," and shall enter therein from time to time the names of the several corporations and companies, and the names and designations of the several persons respectively entitled to the Annuities, and the respective amounts of their Annuities; and their surnames or corporate names shall be placed in alphabetical order.

XXIV. The Debentures shall be numbered in arithmetical progression, beginning with number one, and every Debenture shall be distinguished by its appropriate number.

XXV. If any Debenture be worn out or damaged, then on its being produced to the Commissioners they may order it to be cancelled, and thereupon the Commissioners shall issue a similar Debenture to the party then entitled to the Debenture so worn out or damaged, or if any such Debenture be lost or destroyed, then on proof thereof they shall issue a similar Debenture to the party then entitled to the Debenture so lost or destroyed, and in either case a proper entry of the substituted Debenture shall be made by the Commissioners in the said Register, and for every such substituted Debenture the Commissioners may demand any sum not exceeding One Shilling; and in case the Commissioners shall not be satisfied with the proof offered by such party he may appeal to the Sheriff, who shall decide summarily as to the proof requisite in the circumstances of each case.

XXVI. If at any time an annuitant be desirous of having several Debentures instead of one, or one Debenture instead of several, for his Annuities or any of them, then on any such Debenture or Debentures being produced to the Com-

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missioners they may order the same to be cancelled, and shall thereupon issue to him as he requires one or more Debenture or Debentures for his Annuities the Debenture or Debentures for which is or are so cancelled; and in every such case a proper entry of the substituted Debenture or Debentures shall be made by the Commissioners in the said Register, and for every such substituted Debenture the Commissioners may demand any sum not exceeding One Shilling, provided that in every such case the amount or the aggregate amount of the Annuities for which the substituted Debenture or Debentures are issued shall be the same as the amount or the aggregate amount of the Annuities the Debenture or Debentures for which is or are so cancelled.

Debentures to
be Evidence.

XXVII. The Debentures shall be admitted in all courts as *prima facie* Evidence of the title of the holder thereof, his executors, administrators, or assignees, to the Annuity therein specified, but the want of such Debenture shall not prevent the holder of any Annuity from disposing thereof.

Annuitants'
Addresses to
be kept.

XXVIII. The Commissioners shall also keep a book called "The Glasgow Corporation Waterworks Annuitants' Address Book," and shall enter therein from time to time, in alphabetical order, the names with the places of business of the Annuitants being corporations or companies, and the names, designations, and places of abode of the other Annuitants, so far as the same are known to the Commissioners; and every Annuitant, or if such Annuitant be a corporation or company their clerk or agent, may at all convenient times inspect such book *gratis*, and may require a copy thereof or any part thereof, and for every one hundred words or any smaller number of words so required to be copied the Commissioners may demand any sum not exceeding Sixpence.

Annuities to
be Personal
Estate.

XXIX. The Annuities shall be Moveable or Personal Estate, and transmissible as such, and shall not be of the nature of heritable or real estate.

By section 18 of "The Glasgow Corporation Waterworks Amendment Act, 1865" (p. 67), the mortgages to be granted by the Commissioners are also declared to be moveable or personal estate.

Annuities
may be
Transferred.

XXX. Every Annuitant may sell and transfer all or any of his Annuities, and every such Transfer shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be according to the form in the schedule (B.) to this Act annexed, or to the like effect.

The Commissioners are bound to register partial transfers of Annuities. See section 7 of "The Glasgow Corporation Waterworks Amendment Act, 1873" (p. 90), which repeals the contrary provision in section 16 of "The Glasgow Corporation Waterworks Amendment Act, 1865," p. 66.

XXXI. Every such Transfer (when duly executed) shall be delivered to the Commissioners and be kept by them, and they shall keep a book called the "Register of Transfers of Glasgow Corporation Waterworks Annuities," and shall enter every such Transfer therein, and shall endorse such entry on the Transfer (such endorsement to be signed by the Treasurer), and shall, on Demand, deliver a new debenture to the Transferee, and for every such entry of a Transfer, with such endorsement and Debenture, the Commissioners may demand any sum not exceeding One Shilling; and on the request of any Transferee an endorsement of the Transfer to him shall be made on the Debenture transferred instead of a new Debenture being granted, and such endorsement being signed by the Treasurer shall be considered in every respect the same as a new Debenture, and until such Transfer be so delivered to the Commissioners the Transferee shall not be entitled to receive any part of the Annuities transferred.

Transfer of
Annuities to
be registered.

XXXII. The Commissioners may close the Register of Transfers of Annuities for any period not exceeding fourteen days before the Fifteenth day of May and the Eleventh day of November yearly, and any Transfer made during the time when such register is closed shall, as between the Commissioners and the Transferee, but not otherwise, be held as made after that time.

As to closing
of Transfer
Books.

XXXIII. If the right to any Annuity become transmitted in consequence of the death or bankruptcy or insolvency of any Annuitant, or in consequence of the marriage of a female Annuitant, or by any lawful means other than by a Transfer according to the provisions of this Act, such Transmission shall be authenticated by a Declaration in writing as by this Act provided; and until the Transmission be so authenticated no person claiming by virtue thereof shall be entitled to receive any part of the Annuity transmitted.

Transmission
of Annuities
by other
Means than
Transfer to be
authenticated
by a Declara-
tion.

In cases of transmission by bankruptcy there must be produced along with the declaration, official evidence of such bankruptcy, and of the vesting of the bankrupt estate in the Trustee, &c., to whom such estate shall be transferred. See section 17 of "The Glasgow Corporation Waterworks Amendment Act, 1865," p. 67.

XXXIV. Every such Declaration shall state the manner in which and the party to whom the Annuity is transmitted, and shall be made and signed by some credible person before a Justice of the Peace or Sheriff, and such Declaration shall be left with the Commissioners, and thereupon they shall enter the name of the person entitled under such Transmission, in the Register of Annuities, and for every such entry

Contents of
Declaration
in all cases.

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balance shall belong to and be paid to the Commissioners on the said Fifteenth day of May.

Unpaid Dividends to be consigned in Bank.

XLIII. If the Dividends due to any of the Shareholders of either of the said Companies shall remain unpaid on the said Fifteenth day of May, the amount thereof shall be consigned by the Directors of the said Company in any of the chartered Banks in Scotland, on a receipt or receipts in the name of the Chamberlain for the time being of the city of Glasgow, until such Dividends shall be called for by the parties entitled thereto or their heirs or legal representatives.

Companies to subsist for the purpose of executing this Act, and Directors to continue in office.

XLIV. From and after the said Fifteenth day of May the Company of Proprietors of the Glasgow Waterworks and the Gorbals Gravitation Water Company shall subsist only for the purposes of dividing among the Shareholders the dividends or arrears of revenue in their hands, and of otherwise carrying into execution the provisions of this Act which relate to the said Companies respectively; and the Directors of the said respective Companies who are in office on the said Fifteenth day of May, and the survivors and survivor of them, shall for these purposes continue without re-election to hold the office of Directors, and shall have full power and authority to take all necessary proceedings.

Dissolution of Companies and Repeal of their Acts.

XLV. Upon the purposes herein-before defined being fulfilled by the Directors of either of the said Companies, they shall grant a certificate to that effect under the common seal of the Company, and shall publish such certificate in the *Edinburgh Gazette*, whereupon such Company shall be dissolved, and the several Acts herein-before recited which relate thereto shall be repealed so far as regards the existence of such Company.¹

¹ The sections of these Acts which seem to be still in force will be found in the Appendix, pp. 200 to 203, and 207 to 212.

Companies to be Creditors of Commissioners for Payment of Compensation, and to hold Mortgage of Property and Rates.

XLVI. Each of the said Companies and the Shareholders thereof, and each of the said Annuitants respectively, shall be Creditors of the Commissioners for Payment of the Annuities respectively herein-before directed to be paid to them, interest thereon and expenses incident thereto, and shall be deemed to hold by virtue of this Act a Mortgage and Assignment of the whole property and Works vested in or to be acquired or constructed by the Commissioners under this Act, and of the several Rates to be levied by them under the provisions thereof in security of such payment, which Mortgage and Assignment shall rank *pari passu* with the other Mortgages and Assignations to be made and granted under the provisions of this Act, and shall confer the like powers and privileges.

XLVII. On and after the said Fifteenth day of May all the Lands, Buildings, Reservoirs, Works, Pipes, Machinery, and other Property or Estate, real and personal, belonging to the said Company of Proprietors of the Glasgow Waterworks and the said Gorbals Gravitation Water Company respectively, except any undivided revenue previously drawn by the said Company of Proprietors of the Glasgow Waterworks, and all debts, rents, rates, and monies due to them or either of them, and all arrears of such rents or rates, shall be and the same are hereby absolutely vested in and shall be available and belong and be payable to and recoverable by the Commissioners in virtue of this Act.

Vesting the Works and Property of the Companies in the Commissioners.

XLVIII. It shall be lawful for the Commissioners and the Directors of the said Companies, or either of them, to make and enter into all such Agreements as to the sale, purchase, and management of the said works and property belonging to the said Companies respectively as they shall think proper, for the more effectually or conveniently carrying into execution the provisions of this Act or in relation thereto; and such Agreements shall be binding upon the Commissioners and upon the Company with which any such Agreement shall be entered into.

Commissioners and Companies may enter into Agreements for carrying Act into execution.

XLIX. On and after the said Fifteenth day of May all Bonds, Securities, Conveyances, Contracts, Agreements, and Obligations granted, made, or entered into in favour of or with the said Company of Proprietors of the Glasgow Waterworks or the said Gorbals Gravitation Water Company respectively shall remain in full force and effect, and shall be available to the Commissioners in the same manner as the same were or might have been available to the said Company of Proprietors of the Glasgow Waterworks or the said Gorbals Gravitation Water Company respectively before the said Fifteenth day of May in all courts of law or equity, until the same shall be fully paid, satisfied, performed, and discharged.

Bonds, Obligations, &c., granted in favour of Companies to remain in force.

L. On and after the said Fifteenth day of May all Mortgages, Bonds, Securities for money, Conveyances, Contracts, Agreements, and Obligations granted, made, or entered into by the said Companies or either of them, under or by virtue of the recited Acts, in favour of or with any person or persons whomsoever, and all Liabilities arising out of the same or out of the recited Acts, and all debts owing by the said Companies, shall be enforceable against and recoverable from the Commissioners, and shall be chargeable and charged upon the property vested in the Commissioners in virtue of this

Debts and Liabilities of Companies to be discharged by the Commissioners.

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Act and the several rates to be levied by them under the provisions thereof, and shall remain in full force and effect, and be and continue valid in law and available in all courts of law and equity, until the same be fully satisfied, paid, performed and discharged.

Actions not
to abate.

LI. No Action, Suit, Prosecution, or other proceeding whatsoever, commenced either by or against the said Company of Proprietors of the Glasgow Waterworks or the said Gorbals Gravitation Water Company previous to such transference, shall abate or be discontinued or be prejudicially affected thereby, but all such Actions, Suits, Prosecutions, and other proceedings shall continue and take effect, either in favour of or against the Commissioners, in such and the like manner as the same would have continued and taken effect in relation to such Companies respectively if such transference had not been made; and all penalties by reason of any offence against the provisions of the recited Acts relating to the said Companies respectively, or either of them, previous to such transference may be sued for, and all offences which may have been committed before such transference against the provisions of such Acts or any of them may be prosecuted, in such or the like manner, to all intents and purposes, as the same might have been sued for and prosecuted respectively if such transference had not been made, the Commissioners being, in reference to the matters in this enactment mentioned, in all respects substituted for and in the place of the said Companies respectively.

Proceedings
under recited
Acts saved.

LII. Immediately upon the property and works of the said Companies becoming vested in the Commissioners under the provisions of this Act, everything before that time done or suffered under the recited Acts shall be as valid as if such Transfer had not been made, and such Transfer shall accordingly be subject and without prejudice to anything so done or suffered, and to all rights, liabilities, claims, and demands which, if the said Transfer had not been made, would be incident to or consequent on any and everything done or suffered under the said Acts or any of them; and with respect to all such rights, liabilities, claims, and demands, the Commissioners shall, to all intents and purposes, represent the said Companies; and the words "Clerk" or "Secretary" of the Company, or other expression to the same effect, in the said Acts shall mean the Clerk of the Commissioners: provided always, that the generality of the provisions contained in this enactment shall not be confined or restricted by any special provision contained in this Act.

LIII. And whereas Plans and Sections of the Waterworks and other works proposed to be constructed under the authority of this Act, and also a Book of Reference containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, lochs, streams, or waters, in or upon which the same are intended to be constructed, have been deposited with the Sheriff Clerks of the Counties of Perth, Stirling, Dumbarton, Renfrew, and Lanark respectively: It shall be lawful for the Commissioners and they are hereby authorized, subject to the provisions and restrictions contained in this Act and the Acts incorporated herewith, to take water from Loch Katrine in the Counties of Perth and Stirling for the supply of the said city and suburbs thereof and places adjacent, within the limits of this Act, and to make, construct, and maintain the said Waterworks, and all necessary reservoirs, conduits, works and conveniences connected therewith, in the lines and on the levels and upon the lands delineated on the said Plans and Sections, and described in the said Book of Reference, and to enter upon and compulsorily take and use such of the lands, lochs, streams, and waters delineated on the said Plans and referred to in the said Book of Reference as shall be necessary for that purpose.

Power to make Waterworks according to deposited Plans.

LIV. In constructing the Works by this Act authorized it shall be lawful for the Commissioners, but subject and without prejudice to the provisions of this Act with respect to the levels of the water in Loch Katrine and Loch Venacher respectively, to make lateral Deviations from the line of such Works, not exceeding the limits of lateral Deviation marked on the said Plans, and to make vertical Deviations from the levels of the various Works as shown on the said Sections to any extent not exceeding five feet, and in the case of reservoirs to any extent not exceeding three feet.

Power of Deviation in constructing Works.

LV. It shall not be lawful for the Commissioners to raise or store the water in Loch Katrine to a greater height than four feet above the ordinary summer Level as described on the said Sections, nor to draw the water down to a greater extent than three feet below such ordinary summer Level, without the previous consent in writing of all the owners or reputed owners of the lands adjoining the said Loch; and it shall not be lawful for the Commissioners to raise or draw down the water in Loch Venacher to any greater extent than one foot above or one foot below the Levels shown on the said sections, without the previous consent in writing of all the owners or reputed owners of the lands adjoining the said Loch.

Extent to which Level of Loch Katrine and Loch Venacher may be raised or lowered.

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Works to prevent Water of Loch Venacher being raised or lowered beyond prescribed limits.

LVI. If the Commissioners shall at any time raise or draw down the Water in Loch Venacher to any greater extent than one foot above or one foot below the levels shown on the said Sections, without the previous consent in writing of all the owners or reputed owners of the lands adjoining the said Loch, such owners or reputed owners or any of them may from time to time make and maintain all such Works and do all such things as may be proper and sufficient for preventing such raising or drawing down beyond the said Limits, and the amount of all the expenses from time to time incurred in that behalf by such owners or reputed owners shall be paid to them on demand by the Commissioners, and may be recovered in any court of competent jurisdiction; provided, that before commencing to make any such works or do any such things, such owners or reputed owners shall give to the Treasurer four days' notice in writing of their intention so to do.

Extent to which Water may be taken from Loch Katrine.

LVII. The Commissioners shall not withdraw or take from Loch Katrine, for the supply of the said city, suburbs thereof, and places adjacent within the limits of this Act, any greater quantity of Water than fifty millions of gallons in any one day reckoned from midnight to midnight.

Works to prevent more Water being taken from Loch Katrine.

LVIII. If and whenever the Commissioners shall at any time withdraw or take from Loch Katrine, for the supply of the said city, suburbs, and places adjacent within the limits of this Act, in any one day reckoned from midnight to midnight, any quantity of Water exceeding fifty millions of gallons, the owners or reputed owners of lands adjoining that Loch or any of them may from time to time make and maintain all such Works and do all such things as may be proper and sufficient for preventing a greater quantity than fifty millions of gallons being so withdrawn or taken in any such day, and the amount of all the expenses from time to time incurred in that behalf by such owners or reputed owners shall be paid to them on demand by the Commissioners, and may be recovered in any court of competent jurisdiction; provided that before commencing to make any such Works or do any such things such owners or reputed owners shall give to the Treasurer four days' notice in writing of their intention so to do.

Regulating Supply of Water to the River Teith.

LIX. The Commissioners shall cause to flow from and out of Loch Venacher, for the Supply of the River Teith and the various mills and other properties situate thereon, a quantity of Water not being less than six millions four hundred and eighty thousand cubic feet during every day in the year,

and such daily quantity of water shall be discharged into the said river at the times and in the proportions following; (that is to say,) six thousand cubic feet of water per minute for twelve hours of every day, and three thousand cubic feet of water per minute for the remaining twelve hours of every day; and the said larger quantity of water shall be discharged into the said river between the hours of one of the clock in the morning and one of the clock in the afternoon or thereabouts.

LX. The Commissioners shall not be entitled to withdraw or appropriate any of the Water of Loch Katrine for the supply of the said city, suburbs thereof, and places adjacent unless they shall also discharge daily down the said river Teith the quantity of Water herein-before mentioned; provided always, that the said quantity of water shall be accepted and taken by the owners, lessees, and occupiers of mills and other properties situate on the River Teith, and by all other persons interested in the Water of Loch Katrine, Loch Venacher, and the River Teith, as full compensation for all Water to be withdrawn, appropriated, and taken by the Commissioners from Loch Katrine, for the supply of the said city, suburbs thereof, and places adjacent, under the authority of this Act or under the authority of any Act hereafter to be passed.

Water not to be taken for Glasgow till Supply be discharged down the River Teith.

LXI. The Commissioners shall erect and construct and for ever maintain proper and sufficient measuring Gauges over or through which the said respective quantities of water from Loch Katrine for the supply of the said city, suburbs thereof, and places adjacent, and from Loch Venacher for the supply of the said River Teith, shall flow or be discharged; and such Gauges shall be respectively open to the inspection and examination of all parties interested in the water so to flow or be discharged through or over the same and their respective agents.

Commissioners to erect and maintain Gauges.

LXII. The Commissioners shall employ and keep proper persons at all times in charge of the Gauges so constructed at Loch Katrine and Loch Venacher, and shall permit the owners or reputed owners of the lands adjoining the said Lochs respectively, and their respective agents, at all times to have access to and to examine and test the efficiency of such Gauges, and shall afford to such owners or reputed owners and agents, gratis, all requisite and proper facilities, including the assistance of such persons in charge, for such examining and testing.

Inspection by Landowners of Gauges.

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For Repair by
Landowners
of Gauges. LXIII. If and whenever such Gauges at Loch Katrine and Loch Venacher, or any of them, are in any respect out of repair, inaccurate, or insufficient, and if the Commissioners shall fail to repair and make good the same within one month after notice in writing of such disrepair or insufficiency has been given to the Treasurer by such owners or reputed owners or any of them, or their respective agents, then such owners or reputed owners respectively may from time to time repair or make good such Gauges, or provide other proper and sufficient Gauges in lieu thereof, and do all such things as may be proper and sufficient for these purposes; and the amount of all the expenses from time to time incurred in that behalf by such owners or reputed owners shall be paid to them on demand by the Commissioners, and may be recovered in any court of competent jurisdiction.

Regulating
Mode of
constructing
Outlets from
Loch Katrine
and Loch
Venacher. LXIV. In the construction of the new artificial Outlets or other works at the mouth or outlet of Loch Katrine and Loch Venacher respectively, the Commissioners shall so construct the works and regulate the flow of water therefrom that salmon and other fish may at all times, or during such period as water shall be discharged, freely pass into or from the said Lochs respectively.

Lands for
extraordinary
Purposes. LXV. The Commissioners may purchase Lands not exceeding Twenty-five acres for the purpose of making dépôts, pipe yards, and other buildings and conveniences in connexion with the works by this Act authorized.

Period for
purchasing
Lands. LXVI. The powers hereby granted for the compulsory purchase of Lands and other Property shall not be exercised after Three years from the passing of this Act.

Period for
completing
Works. LXVII. After the expiration of Ten years from the passing of this Act all the Powers for completing the new Works by this Act authorized shall cease to be exercised, except as to so much thereof as are then completed.

The Loch Katrine Works were completed in less than five years after the passing of the Act of 1855, and were inaugurated by Her Majesty the Queen, on 14th October, 1859.

Commission-
ers may alter
and enlarge
Pipes. LXVIII. The Commissioners may from time to time alter, enlarge, or increase the number of the Pipes for conveying water from Loch Katrine to the said city, suburbs thereof, and places adjacent within the limits of this Act, and may also from time to time extend the existing Works, Mains, and Pipes of the said Company of Proprietors of the Glasgow Waterworks or of the said Gorbals Gravitation Water Com-

pany, or any additional Mains and Pipes that may hereafter be constructed and laid by the Commissioners whenever it shall be necessary for the purpose of supplying water to the inhabitants of the said city, suburbs thereof, and places adjacent within the limits of this Act: Provided always, that the supply of water within the limits of this Act on the South Side of the River Clyde, from the Works of the Gorbals Gravitation Water Company, shall not be diminished to the prejudice of consumers of water within that district.

LXIX. And whereas under the provisions of this Act Pipes may be laid along certain portions of the Turnpike and Statute Labour Roads between the reservoir intended to be constructed at or near Milngavie and the city of Glasgow: Be it enacted, That in case the Trustees having the management of the said Roads, or any of them, shall at any time hereafter alter the lines or levels of any portion of the said Roads along which such Pipes shall be laid the Commissioners shall from time to time be bound, on receiving Two months' notice of such alteration, and at their own expense, to lift and relay such Pipes to the satisfaction of the said Trustees and their surveyors, or in case of difference, to the satisfaction of the Sheriff of the county in which such operation shall take place, in manner after mentioned; and in relation to these and all other operations affecting any of the said Roads, which may be executed by the Commissioners under the powers of this Act, the Commissioners shall further be subject to the provisions prescribed in Section One hundred of the Act of the First and Second year of William the Fourth, Chapter Forty-three, with respect to operations affecting Turnpike Roads:¹ Provided always that in case of any difference between the Commissioners and the said Trustees or their Surveyors, such difference shall be determined summarily by the Sheriff of the county in which such operations take place, whose decision shall be final, and not subject to review, and who shall find costs due to either party as may appear just.

As to laying
Pipes along
Turnpike
Roads.

¹ The section of this Act here referred to will be found in the Appendix, p. 191.

LXX. And whereas under the provisions of the recited Acts and this Act, or some of them, pipes have been and may hereafter be laid along, across, or under certain portions of the Turnpike and Statute Labour Roads under the management of the Trustees commonly called the Renfrewshire Road Trustees: Be it enacted, That in case the said Trustees shall at any time hereafter alter the lines or levels of any portions of the said Roads along, across, or under which such pipes are or shall be laid, the Commissioners shall from time

For the Pro-
tection of the
Renfrewshire
Roads.

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to time be bound on receiving Two months' notice of such alteration, and at their own expense, to lift and relay such pipes to the satisfaction of the said Trustees and their Surveyor, or in case of difference to the satisfaction of the Sheriff of the county in which such operations shall take place, in manner after mentioned; and in relation to these and all other operations affecting any of the said Roads, which may be executed by the Commissioners under the powers of any of the recited Acts or this Act, the Commissioners shall further be subject to the provisions prescribed in Section One hundred of the said Act, of the First and Second year of William the Fourth, Chapter Forty-three, with respect to operations affecting Turnpike Roads:¹ Provided always that in case of any difference between the Commissioners and the said Trustees or their Surveyor, such difference shall be determined summarily by the Sheriff of the county in which such operations take place, whose decision shall be final, and not subject to review, and who shall find costs due to either party as may appear just.

¹ The section of this Act here referred to will be found in the Appendix, p. 191.

Works not
required may
be disposed of.

LXXI. It shall be lawful for the Commissioners and they are hereby authorized, after the introduction of the said supply of water from Loch Katrine under the provisions of this Act, to take up and remove from time to time such of the Reservoirs, Conduits, Pipes and Works of the said existing Water Companies, or either of them, as may not be required (excepting the Reservoirs constructed under the authority of the recited Acts relating to the said Gorbals Gravitation Water Company), and publicly or privately to sell and dispose thereof, and of such lands and property and such materials and other things as shall be found unnecessary for the purposes of this Act, and the Commissioners may apply the price thereof in payment of the Works authorized by this Act or in extinction of any of the debts or obligations of the Commissioners under this Act.

Works af-
fecting Forth
and Clyde
Canal to be
executed at
Sight of the
Engineer of
the Company.

LXXII. And whereas it is intended to pass one of the said lines of pipes under the Canal belonging to the Company of Proprietors of the Forth and Clyde Navigation, commonly called the Forth and Clyde Canal Company, at a point near Temple Bridge, and the other of the said lines of pipes under the said Canal at or near Maryhill: The Commissioners, before entering upon or interfering with the land, Canal, or other works belonging to the said Canal Company, or before opening up the turnpike road within a distance of sixty feet on either side of the archway under the Canal at Maryhill, shall be bound to submit Plans

showing the manner in which the Works are to be carried below the Canal, lands, and works of the said Canal Company, or below the turnpike road under the said archway, to be approved of previously to the commencement of their operations by an Engineer to be appointed by the said Canal Company, and paid by the Commissioners; and the said operations shall be executed at the Sight and to the satisfaction of such Engineer.

LXXIII. The said operations shall be carried on, completed, and upheld at the sole Risk of the Commissioners, who shall be liable for all damages occasioned to the said Canal and works connected therewith, or to the adjoining country, by or in consequence of their operations, whensoever such damages may occur; and the said works shall be maintained by them in all time coming in a state of perfect repair, free from all leakage.

Operations to be at the sole Risk of Commissioners.

LXXIV. If in consequence of the said operations, or of any failure in the works of the Commissioners, boats, barges, or other vessels shall be prevented from navigating or using the said Canal as freely and uninterruptedly as at present, then the Commissioners shall pay to the said Canal Company the actual Damage thereby occasioned, or in lieu thereof and in the option of the said Canal Company, as and by way of liquidated and ascertained Damages, the sum of Ten Pounds for every hour during which such impediments shall continue not exceeding Forty-eight hours, but if beyond Forty-eight consecutive hours, then the sum of Twenty Pounds for every hour during which such impediments shall continue after such first Forty-eight hours as aforesaid, and in default of payment of any such actual or ascertained Damages on demand being made on the Treasurer, the said Canal Company may sue for and recover the same, together with full expenses against the Commissioners, by action in the Court of Session in Scotland or before the Sheriff, or the same may be recovered in like manner as any other penalties under this Act.

If Navigation of Canal interrupted, Damages to be paid.

LXXV. If there shall be any Leakage or Disrepair in the works to be executed by the Commissioners under or near to the said Canal or the said archway under the same, and if the Commissioners shall not, within twenty-four hours after written notice of such Leakage or Disrepair to the Treasurer, forthwith proceed to execute the operations necessary for the prevention of such Leakage, or for completely repairing the said works, then the said Canal Company shall be and are hereby empowered to perform all such operations at the risk of the Commissioners, and that without prejudice to

Any Leakage or Disrepair to be remedied by the Commissioners.

the right of the Canal Company to recover the amount of all actual damage which may be done as aforesaid, or, in their option, the liquidated damages herein-before provided, both before and after the giving of such notice as aforesaid and during the currency thereof; and the said Canal Company shall be entitled to recover from the Commissioners the expense of all operations which may be performed by them in making such Repair and removing such Leakage, and in default of payment of such expenses the same may be recovered as herein-before provided with reference to damages for impeding the passage along the said Canal.

Rights of
Canal Com-
pany not to
be affected.

LXXVI. Nothing in this Act contained shall alter, prejudice, affect, or take away any of the Rights, Powers, Privileges, or Authorities vested in the said Canal Company, or shall authorize or empower the Commissioners to alter the line or level of the said Canal, or to reduce the breadth or depth thereof, or in any manner to obstruct or impede the use of the same or any part thereof; and it shall not be lawful for the Commissioners to leave less than a clear depth of two feet between the bottom of the Canal and the extreme upper part of the line of pipes under the Canal near Temple Bridge; provided, nevertheless, that nothing herein contained shall prevent the Commissioners from carrying into execution the powers of this Act, but always with reference to the safety of the Canal and works connected therewith.

Rights of
Proprietors
of Estates of
Upper and
Nether Pollok
reserved.

LXXVII. Nothing in this Act contained shall diminish, prejudice, or affect any of the Rights or Privileges¹ expressly or generally reserved to or conferred on or competent to the Proprietors of the Estates of Upper Pollok and Nether Pollok respectively for the time being, and the families, visitors, and friends of such Proprietors respectively, and the occupiers for the time being of the mansion houses on the said Estates, and the tenants and feuars of the said Estates for the time being, or any of such persons, under or in virtue of the recited Acts relating to the Gorbals Gravitation Water Company or the Acts incorporated therewith, or any contract, agreement or other deed made in pursuance of or in reference to any of such Acts.

¹ The Rights and Privileges here referred to, so far as statutory, are contained in the Appendix, pp. 200 to 203.

Commis-
sioners not
to erect
Houses on
Lands of
Invertros-
sachs.

LXXVIII. It shall not be lawful for the Commissioners to erect any House or other Building, to be occupied as a residence, on any part of the lands of Invertrossachs, West Dullater, or Gartchonzie, without the previous consent in writing of the owners of the said lands.

LXXIX. And whereas it is apprehended by the Magistrates and Town Council of the burgh of Stirling, and the tutor or guardian of George Frederick William Callander, Esquire of Craigforth, that injury may arise to the Fishings on the Rivers Forth and Teith belonging to them, or in which they are respectively interested as herein-after mentioned, from the operations of the Commissioners under the provisions of this Act, both while the works hereby authorized are in the course of construction and after the same shall have been completed : Be it enacted, That the Commissioners shall pay to the said Magistrates and Town Council of Stirling the sum of Eighty Pounds yearly, in full of all claim of Compensation in any way competent to them in the premises, both for themselves and as taking burden on them for the several hospitals or charitable institutions of which they are patrons, and also for the first minister of the town of Stirling, as owners of or otherwise interested in Salmon Fishings in the River Forth above the shore of Stirling, and in the River Teith, so far as they have right thereto ; and the Commissioners shall also pay to the said George Frederick William Callander, as owner of the Cruives and Salmon Fishings of Craigforth, part of the entailed estate of Craigforth, and to the heirs of entail succeeding to him in the said estate being owners of the said Cruives and Salmon Fishings, whom failing to the owner of the same for the time being, the sum of Forty Pounds yearly, in full of all claim of Compensation for injury to the said Cruives and Salmon Fishings or otherwise, such Compensation to the said parties respectively being in respect of all loss or injury to their respective Fishings in any way arising from any of the operations of the Commissioners under this Act, or from the execution of any of the works authorized by this Act, both while in the course of construction and after the same shall have been completed ; and the first of such yearly payments shall be made by the Commissioners at the first term of Whitsunday or Martinmas that shall happen after the expiry of one year from the commencement of the works affecting the outflow of water from Loch Katrine or Loch Venacher, and they shall continue the said payment at the same term of Whitsunday or Martinmas yearly thereafter, in all time coming ; and the said Magistrates and Town Council of Stirling are hereby authorized and empowered to accept of the said annual payment of Eighty Pounds as in full of all the Compensation that could arise to or be claimed in the premises by the said burgh of Stirling, or the said hospitals or charitable institutions, or the first minister of Stirling ; and in respect the said George Frederick William Callander is in pupillarity, and has right to the

Providing
Compensation
to certain
Owners of
Fishings.

said Cruives and Salmon Fishings of Craigforth as an heir of entail, his tutor or guardian is hereby authorized to accept of the said annual payment of Forty Pounds as in full of all claims of Compensation that could arise in the premises to the said George Frederick William Callander, and to the heirs of entail or others succeeding to him in the said estate of Craigforth and the said Fishings, and the acceptance thereof by the said tutor or guardian is hereby declared to be as valid and effectual and as binding upon the said George Frederick William Callander and upon the heirs of entail or others succeeding to him in the said Estate and Fishings as if the same had been accepted and agreed to by the said George Frederick William Callander himself, he being full of age and not an heir of entail: Provided that, as the said Magistrates and Town Council of Stirling are at present tacksmen of the said Cruives and Salmon Fishings of Craigforth, under a lease which expires on the Fourteenth day of September, One thousand eight hundred and fifty-nine, such of the said yearly payments of Forty Pounds as may be applicable to the period of the said lease shall be payable to them as tacksmen foresaid: Provided also, that neither the said Magistrates and Town Council of Stirling, nor the said hospitals or charitable institutions of which they are patrons, shall have any claim of Compensation or other claim whatsoever against the Commissioners in respect of the Salmon or other Fishings belonging to the said town or hospitals on the River Forth below the shore of Stirling.

Saving
Agreement
between
Gorbals
Water Com-
pany and
Burgh of
Renfrew, and
Provisions in
Gorbals Com-
pany's Acts
in reference
thereto.

LXXX. Whereas by an Agreement entered into between the said Gorbals Gravitation Water Company of the one part, and the Magistrates and Town Council of the Royal Burgh of Renfrew of the other part, dated the Fifteenth day of October, One thousand eight hundred and fifty-two, and recorded in the Books of Council and Session in Scotland the Twenty-ninth day of December, One thousand eight hundred and fifty-three, the said Gorbals Gravitation Water Company became bound to supply the said Burgh and the inhabitants thereof with water at the rates and on the terms and conditions specified and contained in the said Agreement and in the said recited Acts of the Gorbals Gravitation Water Company: And whereas provision was also made in the last recited Act of the Gorbals Gravitation Water Company in reference to such supply: The said Agreement and the said Acts shall be equally binding on and enforceable against the Commissioners as if their names had been inserted therein in place of the name of the Gorbals Gravitation Water Company; and the Commissioners shall be liable and subject to the like obligations imposed and provided by the said Agreement and by the said Acts as the Gorbals

Gravitation Water Company would have been liable and subject to prior to the passing of this Act; and the said Agreement is hereby ratified and confirmed: Provided always, that it shall not be lawful for the Commissioners to supply the said Burgh or the inhabitants thereof with any water from the River Clyde or any existing source of supply of the said Company of Proprietors of the Glasgow Waterworks.

The Agreement referred to in this section, and the clauses of the Gorbals Gravitation Water Company's Acts containing the terms, conditions, and provisions relating to the supply of the Burgh of Renfrew, will be found at pp. 204 and 207 of the Appendix. See also proviso to section 86 of this Act.

LXXXI. In order to provide against Accidents to life or property by the bursting of any Reservoir made or to be made under the provisions of the recited Acts or this Act, whenever it shall be represented to the Sheriff Substitute of the county or division of a county in which such Reservoir is situate, by the owners or occupiers of any dwelling-house, mill, factory, or other works situate below such Reservoir, and so as to be in danger of being destroyed or injured by the water of such Reservoir in case it should escape therefrom, that such Reservoir is in a dangerous state, such Sheriff Substitute shall forthwith make inquiry into the truth of such representation, and if he shall be satisfied that such Reservoir is in a dangerous state he shall order and require the Commissioners, within a time to be specified, to put such Reservoir into a proper state of repair, or construct such works as may be necessary to remove the danger; and in case the Commissioners shall not within the time so limited, and to the satisfaction of such Sheriff Substitute, have repaired such Reservoir or constructed such works, or in case upon receiving such representation as aforesaid such Sheriff Substitute shall consider the danger to be so imminent as not to admit of delay, he may, if he shall think fit, order and direct the officer in charge of such Reservoir, or any other person or persons whom he may think proper, to enter upon the premises of the Commissioners, and to open the sluices of such Reservoir, or otherwise to let off so much of the water from such Reservoir and to such a level as may be necessary to remove the danger, and to keep the water in such Reservoir at the reduced level until such Reservoir shall have been repaired or such works as aforesaid shall have been constructed to the satisfaction of such Sheriff Substitute, signified by him in a writing superseding such order, or until such order shall be superseded upon appeal as herein-after mentioned; and no person acting under and in pursuance of such order shall be deemed a trespasser; and any person who shall obstruct or prevent such person in the discharge of such order, or shall wilfully

For Protection of
Reservoirs
against
Accidents.

do any Act in contravention of such order, shall for every such offence be liable to a penalty not exceeding Fifty Pounds: Provided always, that, except when the urgency of the case will not admit of the delay, such Sheriff Substitute, before making an order to repair any such Reservoir or to construct any works as aforesaid, or to lower the water in any such Reservoir, shall cause notice to be given to the Treasurer, and shall hear and consider any evidence that may be tendered on behalf of the Commissioners against the making of such order: Provided also, that if the Commissioners shall consider themselves aggrieved by any such order given or pronounced by such Sheriff Substitute, they may appeal against the same to the Sheriff of the said County, who shall hear and determine such appeal, and may either confirm or supersede the order of such Sheriff Substitute as he may think proper, but until such order shall be superseded it shall continue in full force, and the order or judgment of such Sheriff shall be final, and not subject to review on any ground whatever, and all the costs, charges, and expenses of applying for, obtaining, and enforcing such order shall be borne by the Commissioners, unless the Sheriff Substitute making the order shall direct such costs, charges, and expenses, or a proportionate part thereof, to be borne by the parties applying for such order, which he is hereby authorized to do; and the costs of any such appeal as aforesaid shall be in the discretion of such Sheriff: Provided further, that the Commissioners shall not be liable to pay any damages, penalties, costs, charges, or expenses for or in respect of or be answerable or accountable to any persons for any diminution or cessation of the supply of water, or any other breach or non-performance of their or any of their duties, liabilities, or obligations under this Act which may be occasioned in or by or result from the execution of any such order as aforesaid, anything in this Act to the contrary notwithstanding.

For further provisions relative to the security of reservoirs see sections 3 to 11 inclusive of "The Waterworks Clauses Act, 1863." Appendix, pp. 171, 172, and 173.

Limits of Act. LXXXII. The Limits of this Act¹ shall comprise and include the city of Glasgow and suburbs thereof, and districts and places adjacent, including the royal burghs of Rutherglen and Renfrew, the burghs, towns, or villages of Partick, Pollokshaws, Govan, Barrhead, Nitshill, and Hurler, and places intermediate and adjacent; and the Limits above described shall be termed "the Limits of this Act."²

¹ See report by Councillor Jas. Brown, the Engineer, and Town Clerk, relative to the limits of this Act, &c., Appendix, p. 222.

² The following Agreements have been entered into with the view of circumscribing the boundaries within which the Commissioners are to supply water. These Agreements, however, have not yet been confirmed by Parliament, and are therefore only obligatory *inter se* :—

- (a) Agreement between the Commissioners and the Paisley Water Commissioners, dated 9th and 19th July, 1877 ;
- (b) Agreement between the Commissioners and the Airdrie and Coat-bridge Water Company, dated 13th and 26th April, 1880 ; and
- (c) Agreement between the Commissioners and the Busby Water Company, dated 25th and 30th August, 1880.

LXXXIII. The Limits of this Act for the compulsory Supply of water by the Commissioners shall comprise and include the ancient royalty of the city and royal burgh of Glasgow, and the parliamentary and municipal limits and boundaries of the said city and royal burgh as the same are defined and described in an Act passed in the Second and Third year of his late Majesty King William the Fourth, intituled an Act to Amend the Representation of the People in Scotland, or as may from time to time be defined and described in any amendment of the said Act ; and the limits last above described shall be termed "the Limits for compulsory Supply."

Limits of Act
for compul-
sory Supply.

Since the passing of the Act of 1855, the limits of compulsory supply have been extended by the Glasgow Municipal Acts of 1872 and 1878. See Appendix pp.192 and 197.

LXXXIV. The Commissioners shall cause pipes to be laid and Water to be brought throughout all the streets within the limits for compulsory supply,¹ and shall, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling, situate within the said limits, furnish to such person within such dwelling house, by means of communication pipes and other necessary and proper apparatus to be provided, laid down, and maintained at the cost of such person, a sufficient supply of Water for Domestic purposes,² including a supply for any private watercloset or closets and fixed bath or baths in such dwelling house.

Supply of
Water for
Domestic Use
within the
Limits for
compulsory
Supply.

¹ See section 13 of "The Glasgow Corporation Waterworks Amendment Act, 1865," p. (65), regulating supply of water at High Levels.

² For definition of "Domestic purposes" see section 12 of "The Waterworks Clauses Act, 1863," Appendix, p. 173.

LXXXV. Every Cistern or other receptacle for water, and every closet, soil pan, and private bath, which shall be supplied with water by the Commissioners shall be so constructed and used as effectually to prevent the waste, misuse, or undue consumption of water, and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Commissioners, or into any pipes connected or communicating therewith; and notwithstanding anything in "The Waterworks Clauses Act, 1847," or in this Act contained, the Commissioners shall not be bound to supply water into any cistern or other receptacle for water closet, soil pan, or private bath which shall not be so constructed and used.

Cisterns to be
constructed
to prevent
Waste and
Impurity.

See also section 17 of the Amendment Act, 1859, and note (2) thereon, p. 52.

Supply of
Water for
Domestic
Purposes
beyond the
Limits for
compulsory
Supply.

LXXXVI. The Commissioners shall cause pipes to be laid down and water to be brought to every part of the places and districts within the limits of this Act,¹ beyond the limits for compulsory supply, whenever they shall be required by so many owners or occupiers of houses or parts of houses occupied as separate dwellings in such part of the district beyond the limits for compulsory supply as that the aggregate amount of Water rate payable by them annually, at such rates as may be fixed by the Commissioners as hereinafter provided, shall not be less than one-tenth part of the expense of providing and laying down such pipes; Provided always, that no such requisition shall be binding on the Commissioners unless such owners or occupiers shall severally execute an agreement, binding themselves to take such Supply of Water for three successive years at least;² Provided also, that the Commissioners shall be bound, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling in any street in the royal burgh of Renfrew within ten yards of which any pipe of the Commissioners shall be laid, and without any such agreement, to furnish to such owner or occupier a constant and sufficient supply of Water for the domestic use of every such occupier, at a rate not exceeding Five Pounds per centum per annum of the yearly rent or yearly value of such house or part of a house as aforesaid.

¹ See section 13 of "The Glasgow Corporation Waterworks Amendment Act, 1865," p. (65), regulating the supply of water at High Levels.

² See also sections 35, 36, and 44 of "The Waterworks Clauses Act, 1847." Appendix, pp. 160 and 162.

Commission-
ers may sup-
ply Water for
other than
Domestic
Purposes.

LXXXVII. *The Commissioners may furnish to any person within the limits of this Act a supply of Water for Steam Engines or Railway purposes, or for Shipping, or for warming or ventilating any dwelling-house or other premises, or for working any machine or apparatus, or for cattle, or for horses, or washing carriages, when such horses or carriages are kept for hire or are the property of a dealer, or for gardens, fountains, or ornamental purposes, or for flushing sewers or drains, or for any trade, manufacture, or business, whether carried on in any dwelling house or in other premises, or for any other purpose not domestic, such respective supplies being so furnished at such rates and upon such terms and conditions as shall be agreed upon between the Commissioners and the person desiring the same: Provided always, that as far as possible the rate for such supply of Water shall be uniform to all persons in the same circumstances and requiring the same extent of supply.*

¹ This section has been repealed and re-enacted by section 22 of "The Glasgow Corporation Waterworks Amendment Act, 1879." See p. 115.

² As to supplies for cleansing sewers, etc., and for extinguishing fires, see sections 37 and 42 of "The Waterworks Clauses Act, 1847." Appendix, p. 161.

LXXXVIII. The Commissioners shall and they are hereby required, so soon as the supply of water from Loch Katrine is introduced into the said city, to put up and maintain, in convenient situations within the limits for compulsory supply, not less than thirty-two public Fountains or Stand Pipes from which the poorer classes of the inhabitants shall be permitted to draw water for their domestic purposes (but for such purposes only); and such Fountains or Stand Pipes shall at all times be kept properly charged with water: Provided always, that such supply shall not exempt any party from the payment of the compulsory rates authorized by this Act.

Public Fountains or Stand Pipes to be put up.

LXXXIX. The Commissioners shall and they are hereby authorized and required once in every year to estimate and fix the amount of money necessary to be levied for the purpose of defraying the cost, charges, and expenses of supplying the said city, suburbs thereof, and places adjacent within the limits of this Act, with water for and during the year then current, under which shall be comprehended the payment of the Annuities to the Shareholders of the Company of Proprietors of the Glasgow Waterworks and of the Gorbals Gravitation Water Company respectively, and the interest of any money to be borrowed under the provisions of this Act, as well as any sum of money which shall be set apart and applied each year as and for a sinking fund as herein-after provided, together with the expense of providing and preserving springs and otherwise obtaining and providing and distributing supplies of water within the limits of this Act, and such portions of the salaries, wages, and other expenses of any engineers, surveyors, clerks, collectors, or other officers or servants employed by them as the Commissioners shall think equitable and fair to charge to such account, and all other charges and expenses chargeable against Revenue.

Commissioners to estimate annual Sums required.

In *The Glasgow Water Commissioners v. Miller, etc.*, (Dec. 16, 1857, 20 D. 290), it was held on appeal that the Commissioners, although *statutory trustees*, were liable to pay poor rates in respect of the lands and heritages vested in them.

XC. And in order to raise a sum of money sufficient for the purposes aforesaid, it shall be lawful for the Commissioners and they are hereby authorized and required once in every year to assess and levy a Rate, to be called "The Domestic Water Rate," upon and from the occupiers of all

Domestic Water Rate to be levied.

dwelling houses and of such parts or portions of all shops and buildings as may be used as dwelling houses within the limits for compulsory supply, according to the full annual value of such dwelling houses and shops and buildings and of any gardens or land attached or belonging thereto respectively: Provided always, that the Domestic Water Rate to be assessed and levied upon and from the occupiers of dwelling houses, and shops and buildings used as dwelling houses, within the limits of compulsory supply on the South Side of the river Clyde shall not exceed One Shilling in the Pound of the full annual value thereof.

Public Water
Rate to be
levied.

XCI. It shall also be lawful for the Commissioners and they are hereby authorized and required once in every year to assess and levy upon and from the owners of all dwelling houses, shops, warehouses, counting houses, coach houses, stables, cellars, vaults, buildings, depots, workshops, mills, and manufactories, and of the several gardens, yards, or lands thereunto belonging, and all other lands, gardens, yards, tenements, buildings, and premises within the limits for compulsory supply, except as herein-after mentioned, a Rate to be called "The Public Water Rate," not exceeding One Penny in the Pound of the full annual value of all such property. Provided always, that no Public Water Rate shall be assessed or levied on or from any Railway Company¹ or Canal Company for or in respect of the line of railway or canal belonging to such Company, but such rate shall be assessed and levied on and from such Companies in respect of all stations, depots, and buildings belonging to them respectively: Provided also, that the said Public Water Rate shall be made and levied upon the owners of any garden not attached to or occupied with a dwelling house, and of all arable, meadow, or pasture land within the said limits, according to one fourth part only of such annual value thereof respectively: Provided further, that no person who shall be the owner or occupier of any of the aforesaid descriptions of property and premises shall be liable to be rated to either of the said Rates in a greater proportion than according to one fourth part only of such annual value thereof, unless the mains or other pipes of the Commissioners shall be laid down and properly supplied with water within fifty feet from the outer wall, fence, or boundary of such premises: Provided further, that the said Public Water Rate may be levied by the Commissioners from the occupiers of

¹ In an appeal by *The Glasgow Tramway and Omnibus Coy. (Limited)*, on 7th February, 1882, it was held by Sheriff-Substitute Balfour of Glasgow, that the Tramway Coy. was not a Railway Coy. within the meaning of this section, and was therefore liable to be assessed in respect of the full annual value of their lines of tramway.

such property and premises, and any occupier so paying the said Public Water Rate shall be entitled to deduct from his rent the Public Water Rate so paid by him.

XCII. The Commissioners shall from time to time so regulate the Rates to be levied for the supply of Water under the provisions of this Act that the amount of such Rates, with the aid of the said Public Water Rate, shall be sufficient to pay the interest on money borrowed, and the Annuities payable under this Act, together with all the charges and expenses specified in the Eighty-ninth Section of this Act, and such further sum as the Commissioners shall set apart, as herein-after provided for the purpose of the sinking fund; and if in any year the amount received shall be more than sufficient for all the purposes aforesaid, the Commissioners shall and they are hereby required to make a reduction in the Domestic Water Rate to be in the next year assessed and levied upon and from the occupiers of dwelling houses and such parts or portions of all shops and buildings as may be used as dwelling houses within the limits for compulsory supply on the North side of the river Clyde, in the event of such Rate being higher than One Shilling in the pound of the full annual value thereof: Provided always that when such Rate shall not be more than One Shilling in the pound, a reduction shall be made upon the whole Domestic Water Rate to be assessed and levied within the limits for compulsory supply on both sides of the river Clyde.

Rates for Water to be regulated so as not to exceed Expenses.

In *Hector v. The Water Commissioners* (30th January, 1871) Sheriff Glassford Bell held on appeal that consumers *beyond* the compulsory limits were not entitled to the benefit of the reduction provided for by this section.

XCIII. It shall be lawful for the Commissioners to levy for or in respect of the Supply of Water to any burghs, towns, villages, districts, or places beyond the Limits for compulsory Supply, but included within the Limits of this Act, such Rates as may from time to time be fixed by the Commissioners: Provided always, that in the case of any such burghs, towns, villages, districts, or places on the North Side of the river Clyde, the Rates to be so levied shall not exceed the Rates authorized to be levied by the recited Acts relating to the Company of Proprietors of the Glasgow Waterworks;¹ and in the case of any such burghs, towns, villages, districts, or places on the South Side of the river Clyde, the Rates to be so levied shall not exceed the Rates authorized to be levied by the recited Acts relating to the Gorbals Gravitation Water Company.²

Rates to be levied beyond the Limits for compulsory Supply.

¹ The rates authorized to be levied by the Company of Proprietors of the Glasgow Waterworks were finally fixed by section 14 of their Act of 1838 [1 and 2 Vict., cap. 86.] See Appendix, p. 212.

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² The rates authorized to be levied by the Gorbals Gravitation Water Coy. were fixed by sections 48 and 60 of their Act of 1846 [9 and 10 Vict., cap. 347]; and section 17 of their Act of 1853 [16 and 17 Vict., cap. 98]. See Appendix, pp. 207, 208, and 210.

Assessment
of Rates.

XCIV. The Commissioners may assess the said Domestic Water Rate and Public Water Rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter, or retrospectively in order to raise money to pay charges and expenses already incurred; and all such Rates shall be assessed for the period from the Twenty-eighth day of May in each year to the Twenty-eighth day of May in the year following, and shall be payable in advance, at the office of the Commissioners, on the Twenty-eighth day of May in each year, or as soon thereafter as the same shall be demanded.

¹ In *A B v. Burnet* (9th March, 1870) Sheriff Glassford Bell held on appeal that the Water Commissioners have no power under their Acts to levy a "supplementary assessment."

² In *The Water Commissioners v. D. Napier's Trustee* (28th May, 1862) Sheriff Glassford Bell held on appeal that the Commissioners have no preferable claim for domestic rates.

Surveyors
may be ap-
pointed.

XCV. The Commissioners may, if necessary, annually appoint one or more Surveyors, who shall be sworn by the Lord Provost or acting Chief Magistrate to administer their office faithfully, according to their judgment and knowledge, and such Surveyors shall, as soon as may be after the Twenty-eighth day of May in each year, survey the houses, buildings, and other premises and property in respect of which the said Rates are authorized to be levied, excepting the stations, depôts, and buildings belonging to any Railway Company or Canal Company; and a certificate signed by the Surveyor making such survey shall be deemed sufficient *prima facie* evidence of the full annual value of the said houses, buildings, and other premises or property so surveyed by him:¹ Provided always that the stations, depôts, and buildings belonging to any Railway Company or Canal Company shall be assessed according to the annual value thereof as fixed from time to time under the provisions of an Act passed in the last session of Parliament, intituled An Act for the Valuation of Lands and Heritages in Scotland, or of any Act for amending that Act.

¹ See also section 12 of Amendment Act of 1865, p. 65.

Unoccupied
Premises may
be included in
Rates.

XCVI. When any Premises in respect of which any person may be liable to be assessed to the Domestic Water Rate or Public Water Rate, under the provisions of this Act, shall at the time of assessing any such Rate be unoccupied, then and in every such case it shall be lawful for the Commissioners to include such Premises, describing them in the

column in such Rate appropriated to the name of occupier as being "unoccupied"; and if any person shall afterwards occupy such Property during any part of the period for which such Rate may have been assessed, it shall be lawful for the Commissioners to insert the name of such occupier, and to levy from him, or from the owner if he shall be liable to pay the same as herein-after provided, such part of the said Rate as shall be proportioned to the time during which such person shall occupy such Property, and every such person shall thereupon be deemed to all intents and purposes to be properly rated; and all such Rates may be levied and recovered from the person who shall be liable to pay the same under the provisions of this Act in the same manner as other Rates assessed under the provisions of this Act; Provided always that any such person whose name shall be so inserted in such Rate, and such owner as last aforesaid, may appeal against the same to the Commissioners or to the Sheriff: Provided also, that, except as aforesaid, no Domestic or Public Water Rate shall be payable by any person whatsoever in respect of unoccupied premises.

In *Cardno v. Guthrie* (30th May, 1870) Sheriff Galbraith held that it was the duty of a tenant before he enters into possession of premises to ascertain whether the water rates are paid.

XCVII. The Owners¹ of all dwelling houses or parts of dwelling houses occupied as separate tenements, the annual value of which Houses or Tenements shall not exceed the sum of Ten Pounds, shall be liable to the payment of the Domestic Water Rate instead of the occupiers thereof; and the powers and provisions herein contained for the recovery of the Domestic Water Rate from occupiers shall be construed to apply to the Owners of such Houses and Tenements; and the person receiving the rent of any such House or Tenement as aforesaid from the occupier thereof, on his own account or as agent or factor for any person interested therein, shall be deemed the Owner of such House or Tenement; Provided always that the Commissioners shall allow to the Owners of all Houses not exceeding Ten Pounds of yearly rent or value, who shall pay the Domestic Water Rate authorized to be levied by this Act, an abatement of Ten per cent. on the amount of such Rate paid by such Owner:² Provided also, that such Owners shall be entitled to receive from the occupiers of such Houses the amount of the Rates payable for their respective possessions.

Power to rate
the Owners
of Houses in
certain Cases

¹ As to the interpretation of the words "Owner" or "Owners," see section 2 of the Amendment Act of 1865, p. 61.

² The abatement to owners paying domestic water rates was increased to 15 per cent., in cases where yearly rent or value is £7, and not exceeding £10; and an abatement of 20 per cent. provided

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by obtaining from the Magistrates or Sheriff a summary warrant to recover such Arrears with costs from the persons liable to pay the same, which warrant the Magistrates or Sheriff shall grant on production of a list of the names and addresses of the persons so in arrear, and the amounts respectively due by them, with a certificate by the Treasurer that they have been severally required to make payment of the said Arrears by a printed or written requisition in the name of the Commissioners delivered to them personally or left at their respective dwelling places, or in the premises in respect of which the Rates are assessed, at least Fourteen days previously, and that such Rates are truly due by them, and do not exceed the maximum Rates fixed by or under the Provisions of this Act: Provided always, that if the persons so in arrear shall not have previously appealed against such Rates, it shall be in the power of such persons, upon consignment of the sums respectively alleged to be due by them and costs, to cite the Treasurer or Collector of the Commissioners to appear before the Magistrates or Sheriff, who shall thereupon summarily inquire into and dispose of any objections to the said Rates, and confirm or recall wholly or partially the said warrant.

¹ See section 16 of Amendment Act of 1859, (p. 51.), as to provisions for recovery of charges for supplies of water for purposes not domestic; section 10 of Amendment Act of 1865, (p. 64), for further provisions as to recovery of arrears of rates for domestic supplies; and section 11 of last-mentioned Act as to jurisdiction of Sheriff of Lanarkshire, as regards recovery of all of such charges and rates.

² See also section 74 of "The Waterworks Clauses Act, 1847" (Appendix, p. 168), and section 16 of "The Waterworks Clauses Act, 1863" (Appendix, p. 174), as to power to cut off supply for non-payment of rates, &c.

Power to
enforce
Warrant for
Recovery of
Arrears.

CVII. The Commissioners may in virtue of the said Warrant enter into the premises of the persons so in arrear, and poind, seize, remove, or secure their goods, chattels, and effects, or so much thereof as will fully satisfy the respective amounts due by them, including costs, and may, after the lapse of Four days, in the event of non-payment or non-consignment of the said Arrears of Rates and costs, sell and dispose of the said goods, chattels, and effects, and apply the proceeds in or towards payment of such Arrears and costs.

Rate Books to
be Evidence.

CVIII. In any proceeding to levy and recover or consequent on the levying or recovering of any Rate under the provisions of this Act, the Books of Rates of the Commissioners, and all entries made therein in manner by this Act directed, on the production thereof alone, and without any

evidence that the notices and other requirements of this Act have been given or complied with, shall be received as Evidence of such Rate and of the amount thereof.

CIX. It shall be lawful for the Commissioners to Borrow on Mortgage any sums not exceeding Seven hundred thousand Pounds,¹ and to make and grant Mortgages and Assignations of the property and works vested in and to be acquired or constructed by the Commissioners in virtue of this Act, and the several Rates to be levied by them under the provisions thereof, in security of the payment of the money so borrowed and interest thereon;² and if after having borrowed the said sums or any part thereof the Commissioners pay off the same otherwise than by means of the sinking fund herein-after mentioned, it shall be lawful for them again to borrow the amount so paid off, and so from time to time; and the Mortgages and Assignations to be made and granted by the Commissioners may be partly in writing and partly printed, and shall be subscribed by at least two Commissioners and the Treasurer at a meeting of the Commissioners.³

Power to
borrow on
Mortgage.

¹ Under this Act and the Amendment Acts of 1859, 1860, 1866, 1877, and 1882, the borrowing powers of the Commissioners now extend to the sum of £2,000,000.

² By the Amendment Acts of 1877 (section 5) and 1882 (section 16), the security of mortgagees has been restricted to the rates and charges to be levied by the Commissioners.

³ See also sections 10 to 13 of Amendment Act, 1859 (pp. 49 and 50), sections 14 to 19 of Amendment Act, 1865 (pp. 66 and 67), section 7 of the Amendment Act, 1877 (p. 96), and sections 75 to 88 of "The Commissioners Clauses Act, 1847" (Appendix, pp. 138 to 142), with respect to the form, execution, transfer, transmission, and discharge, &c., of mortgages and assignations to be granted by the Commissioners.

CX. It shall be lawful for the Commissioners to accept and take from any Bank or Banking Company credit on a Cash Account to be opened and kept with such Bank or Banking Company, in the name of the Commissioners, according to the usage of bankers in Scotland, to the extent of the sum which the Commissioners are authorized to borrow as aforesaid or any part thereof, and to make and grant mortgages and assignations of the property and works vested in and to be acquired or constructed by the Commissioners in virtue of this Act and the several rates to be levied by them under the provisions thereof, in security of the payment of the amount of such credit or of the sums advanced from time to time on such Cash Account, with interest thereon:¹ Provided always, that the whole sum due and owing by the Commissioners on such Cash Account, and for money borrowed by them on bonds or mortgages as

Commis-
sioners may
borrow on a
Cash Account
opened in
Name of Com-
missioners.

40 GLASGOW CORPORATION WATERWORKS ACT, 1855.

aforesaid, shall never when taken together exceed the sums by this Act authorized to be borrowed.

¹ By the Amendment Acts of 1877 (section 8), and 1882 (section 17), the security for credit on cash accounts has also been restricted to the rates and charges to be levied by the Commissioners.

Application
of money
borrowed.

CXI. The several Sums borrowed by the Commissioners under the authority of this Act shall be applied in defraying the expense of purchasing and acquiring lands and other property, and of executing the works by this Act authorized, and to no other purpose whatsoever.

Commis-
sioners may
fund Debt
and issue
Certificates
of Funded
Debt.

CXII. It shall be lawful for the Commissioners from time to time, in lieu of continuing on bond or mortgage the sums which they are authorized to borrow by this Act, to resolve to Fund the whole of such sums or such part thereof as they shall think fit, and on any such resolution being passed the amount stated therein shall be denominated "The Glasgow Corporation Waterworks Funded Debt;" and it shall be lawful for the Commissioners to issue to any person, company, trustees, or corporation paying to them any portion of the said sums a Certificate of such person, company, trustees, or corporation being the holder of Funded Debt of the Trust to the amount so paid; and every such Certificate may be according to the form of the Schedule (D.) to this Act annexed, or to the like effect, and shall be subscribed at a meeting of the Commissioners by two Commissioners and the Treasurer: Provided always, that after the conversion of any part of the said sum into Funded Debt it shall not be lawful for the Commissioners to issue mortgages or assignments for or again to borrow the sum so converted, and the powers of borrowing by the Commissioners shall to the extent of the sums so from time to time converted into Funded Debt be extinguished.

The Commissioners, in exercise of the power contained in this section and similar sections in subsequent Acts, have already created Funded Debt to the extent of £250,000, the annuities on which are not to exceed £4 per cent.

Register of
Holders of
Funded Debt
to be kept.

CXIII. The Commissioners shall from time to time cause the names of the several parties who may be interested in such Funded Debt as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for that purpose, and be called the "Register of Holders of Funded Debt," and such book shall be accessible at all reasonable times to the several Holders of such Debt or of Mortgages or Assignations granted by the Commissioners.

CXIV. The interests of the several holders of such Funded Debt, or any part of such interests, may be transferred or transmitted in the same manner and subject to the same regulations and provisions, *mutatis mutandis*, as or according to which any mortgage or assignation to be granted by the Commissioners may be transferred or transmitted under the Provisions of this Act,¹ and the "Commissioners Clauses Act, 1847,"² and the Commissioners shall cause an entry to be made in a book to be kept by the Treasurer for that purpose of every such transfer or transmission, and for every such entry the Commissioners may demand any sum not exceeding Two Shillings and Sixpence.

Transfer of
Funded Debt.

¹ No regulations and provisions are made by this Act as to the transfer or transmission of mortgages, but see sections 11, 12, and 13 of the Amendment Act of 1859 [pp. 49 and 50], and sections 16, 17, and 18 of the Amendment Act of 1865 [pp. 66 and 67].

² See sections 77 and 78 of this Act. Appendix, p. 139.

CXV. The several holders of the said funded debt shall not be entitled to repayment of the capital thereof, but shall receive an Annuity thereon at any rate not exceeding Four Pounds per centum per annum which shall be fixed by the Commissioners in any resolution to be passed by them as aforesaid,¹ and specified in the certificates issued to the holders of the said funded debt, and which Annuity shall be payable half-yearly on the Fifteenth day of May and the Eleventh day of November in every year.

Annuity to
be paid.

¹ See note to section 112.

CXVI. The several Holders of such Funded Debt shall be creditors of the Commissioners for the payment of the said annuity, and shall be deemed to hold by virtue of this Act a mortgage and assignation of the property and works vested in and to be acquired or constructed by the Commissioners in virtue of this Act,¹ and the several rates to be levied by them under the provisions thereof, in Security of such payment, which mortgage and assignation shall rank, *pari passu*, with the other mortgages and assignations made and granted under the provisions of this Act, and shall confer the like powers and privileges.

Security of
Holders of
Funded Debt.

¹ By section 10 of the Amendment Act of 1877, (p. 96), this section is to be read and have effect as if the words "the property and works vested in and to be acquired or constructed by the Commissioners in virtue of this Act," were omitted therefrom.

CXVII. In the event of any annuity or part of an annuity payable to any shareholder of either of the said Companies not being paid within One month after the same shall have

Arrears may
be enforced by
Appointment
of Judicial
Factor.

become due, and after demand thereof in writing, it shall be lawful for any annuitant holding annuities in arrear to the amount of One thousand Pounds, or for several annuitants holding annuities in arrear to the amount of One thousand Pounds in the aggregate, to render the security by this Act conferred effectual by the appointment of a Judicial Factor; and in like manner, in the event of any principal money borrowed by the Commissioners as aforesaid or any interest thereon, or of any annuity of the funded debt, not being paid within One month after such payment shall have become due, and after demand thereof in writing, it shall be lawful for any mortgagee or holder of funded debt in arrear to the amount of Fifty thousand Pounds or for several mortgagees or holders of funded debt holding mortgages or funded debt in arrear to the amount of Fifty thousand Pounds in the aggregate, to render their said security effectual by the appointment of a Judicial Factor; and the application for such appointment shall be made by summary petition to the Court of Session, or, in time of vacation, to the Lord Ordinary on the Bills, who are hereby respectively authorized and required, on such application being made by any annuitant or annuitants, mortgagee or mortgagees, or holder or holders of funded debt holding the respective sums of annuities or mortgages *of* (?) funded debt in arrear before specified, to appoint some person as Judicial Factor to the effect and with the powers herein-after mentioned unless previously to such application being advised the amount of such annuities or mortgages, or annuities of the funded debt, as the case may be, with interest and expenses, shall have been paid to the petitioner or petitioners, or unless the said Court or Lord Ordinary, as the case may be, shall be satisfied that consignation thereof should, under the circumstances, be accepted in lieu of payment, and such consignation be made accordingly, and the Interlocutor making such appointment shall not be subject to review or appeal.

Powers and
Duties of
Judicial
Factor.

CXVIII. The Judicial Factor so appointed, on finding security in common form, shall exercise all the Powers conferred by this Act upon the Commissioners for and in relation to assessing, levying, and recovering the several rates by this Act authorized to be levied, and managing and maintaining the undertaking, works, and property, to be vested in or to be acquired or constructed by the Commissioners under the provisions of this Act; and the Commissioners shall hand over to him all rate books and other books and documents necessary for that purpose, and after defraying the expense of such application, management, and main-

tenance the said Judicial Factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment out of the said rates; and such Judicial Factor shall continue not only until all arrears of annuities and interest of mortgages and annuities of the funded debt due at the date of the appointment of such Judicial Factor, and all interest due on any of the said sums, and any annuity or interest which shall have become due during his continuance in office, with interest and expenses, including the expenses of the application for such appointment, and of carrying the purposes thereof into execution, shall have been paid, but also until any half year's annuity or interest which, although not due, may become current during his continuance in office, and a sufficient sum to meet expenses, shall have been paid or consigned in one of the chartered banks in Scotland; and upon payment and consignment as aforesaid of the said annuities, interest, and expenses, it shall be lawful for the Commissioners to apply to the Court of Session or Lord Ordinary as aforesaid for the recall of the appointment of the Judicial Factor, who may recall such appointment accordingly.

CXIX. It shall be lawful for the Commissioners and they are hereby required annually, after the expiration of ten years from the passing of this Act, to set apart as a Sinking Fund,¹ from and out of any surplus moneys² appearing upon the yearly balance of the said "Glasgow Water Account," the following sums; that is to say, for ten years from and after the expiration of the first mentioned period of ten years a sum not less than One Pound *per centum* per annum on the amount borrowed for the purpose of defraying the expense of the new works by this Act authorized, and after the expiration of twenty years from the passing of this Act a sum not less than One Pound Ten Shillings *per centum* per annum on the said amount; and such Sinking Fund shall be from time to time applicable to the redemption of mortgages or annuities, and to no other purposes whatsoever.

¹ The operation of the Sinking Fund was postponed until the lapse of a period of five years, from 2nd June, 1865. See section 20 of Amendment Act, 1865 (p. 68). Provision was also made by that section for the accumulation of a "Reserve Fund" during said period of five years. This fund may also be applied in the redemption of Mortgages or Annuities.

² In the Appeal at the instance of *The Glasgow Corporation Water Commissioners v. Inland Revenue* (26th May, 1875, 2 Rettie, 708), it was held that such surplus moneys were not assessable as profits under the Income Tax Acts.

³ As to investment of Sinking Fund see section 84 of "The Commissioners' Clauses Act, 1847," Appendix, p. 140.

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Expenses of
Act.

CXX. All Costs, Charges, and Expenses incurred preparatory to and in applying for, obtaining, and passing this Act, or in any way incidental thereto, and also all Costs, Charges, and Expenses incurred by the Magistrates and Council of the city of Glasgow in the last and the previous Session of Parliament with respect to the supply of water to the said city, shall be paid by the Commissioners out of the rates to be levied by them under the authority of this Act.

SCHEDULES REFERRED TO IN THIS ACT.

SCHEDULE (A).

Form of Annuity Debenture.

No.

THIS is to certify, that *A. B. [Name and Designation]* is the holder of Pounds of "The Glasgow Corporation Water-works Annuities," created by "The Glasgow Corporation Water-works Act, 1855," and is entitled to receive from the Commissioners appointed under the said Act an annuity of Pounds, payable half-yearly by equal portions, on the Fifteenth day of May and Eleventh day of November, in each year, beginning the first payment thereof on the Eleventh day of November One thousand eight hundred and fifty-six, for the half-year preceding, and so forth thereafter, and which annuity is secured on the property and works vested in and to be acquired or constructed by the said Commissioners in virtue of the said Act, and on the several rates to be levied by them under the provisions thereof.

Dated this day of One thousand eight hundred and

*[Signed by two Commissioners and
the Treasurer.]*

SCHEDULE (B)

Form of Transfer of Debenture.

I, *A. B. [Name and Designation]* in consideration of the sum of paid to me by *C. D. [Name and Designation]*, [or other consideration, as the case may be,] do hereby transfer to the said *C. D.*, and his Executors, Administrators, or Assignees, the sum of Pounds of "The Glasgow Corporation

II.

AN

ACT

To authorize the Commissioners of the Glasgow Corporation Waterworks to raise a further Sum of Money, and to amend "The Glasgow Corporation Waterworks Act, 1855."

22 VICTORIÆ, CAP. 9.

[*Royal Assent 19th April, 1859.*]

WHEREAS an Act¹ was passed in the Eighteenth and Nineteenth year of the reign of Her present Majesty, intituled An Act to authorize and empower the Magistrates and Council of the City of Glasgow to supply with Water the said City and Suburbs thereof, and Districts and Places adjacent; to purchase and acquire the Glasgow Waterworks and the Gorbals Gravitation Waterworks, and to introduce an additional supply of Water from Loch Katrine; and for other purposes:

¹ The Act of 1855.

And whereas by the recited Act the undertakings and works of the Company of Proprietors of the Glasgow Waterworks and of the Gorbals Gravitation Water Company were vested in the Magistrates and Council of the city of Glasgow as Commissioners appointed by the said Act, and it was thereby provided that all deeds and obligations granted by the said Companies or either of them, and all liabilities arising out of the same or out of the Acts relating to the said Companies, and all debts owing by the said Companies, should be enforceable against and recoverable from the said Commissioners, and should be chargeable and charged upon the property vested in them in virtue of the said Act, and the several rates to be levied by them under the provisions thereof:

And whereas the said Commissioners were by the recited Act authorized to borrow on mortgage any sums not exceeding Seven hundred thousand Pounds, for the purpose of purchasing and acquiring lands and other property, and of executing the works thereby authorized:

And whereas the said Commissioners have proceeded to put the recited Act into execution, and have borrowed upwards of Six hundred thousand Pounds, which have been

applied in defraying the expense of purchasing and acquiring lands and property, and constructing the works authorized by the said Act, which are still in progress, and in extending the water supply of the said city, and carrying into effect the other purposes of the said Act:

And whereas the whole balance of the said sum of Seven hundred thousand Pounds remaining to be borrowed will be required to pay the purchase money of lands and property still unpaid, and to defray the expense of completing the works authorized by the recited Act, and it is necessary and expedient that the said Commissioners should be authorized to borrow a further sum of money for the purpose of satisfying and discharging the debts and obligations of the said Companies, and defraying the expenses of obtaining the said Act, and carrying into effect the several purposes thereof, and that the said Act should be amended; but these objects cannot be effected without the authority of Parliament:

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be Enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. This Act may be cited for all purposes as "The Glasgow Short Title. Corporation Waterworks Amendment Act, 1859."

II. The several Words and Expressions interpreted in the recited Act and the Acts therewith incorporated¹ shall, when used in this Act, have the same Meanings as are by the recited Act and the said Acts assigned to them respectively.

Same Meanings to Words in recited Act, &c., as in this Act.

¹See sections 2, 3, 4, and 5 of the Act of 1855, pp. 3 and 4.

III. The Clauses of "The Commissioners Clauses Act, 1847,"¹ with respect to the Mortgages to be executed by the Commissioners, are hereby incorporated with this Act, and shall be applicable to the Mortgages to be granted under the authority of this Act, in the same manner as the same are applicable to the Mortgages granted or to be granted under the authority of the recited Act.

Clauses of 10 & 11 Vict. c. xvi. with respect to Mortgages incorporated.

¹See sections 75 to 88 both inclusive of this Act. Appendix, pp. 138 to 142.

IV. It shall be lawful for the Commissioners to borrow on Mortgage any sums not exceeding Two hundred thousand Pounds, in addition to the sum of Seven hundred thousand Pounds authorized to be borrowed by the recited Act, and to

Power to borrow on Mortgage

make and grant Mortgages and Assignations of the property and works vested in and acquired or to be acquired or constructed by the Commissioners in virtue of the recited Act, and the several rates to be levied by them under the provisions thereof, in security of the payment of the money so borrowed and interest thereon;¹ and if, after having borrowed the said sums or any part thereof, the Commissioners pay off the same otherwise than by means of the Sinking Fund herein-after mentioned, it shall be lawful for them again to borrow the amount so paid off, and so from time to time; and the Mortgages and Assignations to be made and granted by the Commissioners may be partly in writing and partly printed, and shall be subscribed by at least two Commissioners and the Treasurer at a meeting of the Commissioners.

¹ See notes to section 109 of Act of 1855, p. 39.

Power to
borrow on
Cash Account.

V. It shall be lawful for the Commissioners to accept and take from any Bank or Banking Company credit on a Cash Account to be opened and kept with such Bank or Banking Company in the name of the Commissioners, according to the usage of Bankers in Scotland, to the extent of the sum which the Commissioners are authorized to borrow as aforesaid, or any part thereof, and, if required, to make and grant mortgages and assignations of the property and works vested in and acquired or to be acquired or constructed by the Commissioners in virtue of the recited Act, and the several rates to be levied by them under the provisions thereof, in security of the payment of the amount of such credit, or of the sums advanced from time to time on such Cash Account, with interest thereon;¹ provided that the whole sum due and owing by the Commissioners on such Cash Account, and for money borrowed by them on bonds or on mortgages or assignations of the said property and works and rates or any part thereof, shall not, when taken together, exceed the sum of Nine hundred thousand Pounds by the recited Act and this Act authorized to be borrowed.

¹ See note to section 110 of Act of 1855, p. 40.

Application
of Money
borrowed.

VI. The several sums borrowed by the Commissioners under the authority of the recited Act and this Act shall be applied in defraying the expense of purchasing and acquiring lands and other property and of executing the works authorized by the recited Act, and in satisfying and discharging the debts and obligations of the said Company of Proprietors of the Glasgow Waterworks and the said Gorbals Gravitation Water Company, and in defraying the expenses of obtaining the said Act and carrying into effect the several purposes thereof.

VII. The Commissioners may fund the whole or any part of the sums to be raised on mortgage under the authority of this Act¹ under the powers and provisions, with the rights and privileges, and subject to the restrictions and conditions which are contained in Sections One hundred and twelve to One hundred and sixteen, both inclusive of the recited Act,²

¹ See note to section 112 of Act of 1855, p. 40.

² The Act of 1855, pp. 40 and 41.

VIII. Sections One hundred and seventeen, One hundred and eighteen, and One hundred and nineteen of the recited Act¹ with respect to the appointment, powers, and duties of a Judicial Factor, and the Sinking Fund to be set apart for the redemption of mortgages and annuities, shall be and are hereby made applicable to the money to be borrowed and the mortgages and assignations in security to be granted under the authority of this Act, in the same manner as if the money to be borrowed under the authority of this Act had been borrowed under the authority of the recited Act.

Provisions as to Judicial Factor and Sinking Fund to be applicable to this Act.

¹ The Act of 1855, pp. 41, 42, and 43.

IX. Nothing in this Act contained shall prejudice any Bonds, Annuity Debentures, Mortgages, or Assignations in Security granted by the Commissioners under the authority of the recited Act,¹ and subsisting at the date of the passing of this Act, and such Bonds, Annuity Debentures, Mortgages, and Assignations shall be and remain in full force and as valid and effectual in all respects as if this Act had not been passed.

Saving existing Annuities and Securities.

¹ The Act of 1855.

X. All Transfers of the Annuities created by the recited Act, and of Mortgages granted or to be granted under the authority of the recited Act or this Act, shall be valid and effectual if executed according to the usual mode of executing such deeds or instruments either in England or Scotland, or partly according to the one and partly according to the other.

Mode of executing Transfers of Annuities and Mortgages.

XI. If the sum contained in any Mortgage already granted or hereafter to be granted by the Commissioners under the authority of the recited Act or this Act become transmitted in consequence of the death, bankruptcy, or insolvency of any creditor, or in consequence of the marriage of a female creditor, or by any other means than by a Transfer executed according to the provisions of "The Commissioners Clauses Act, 1874," such transmissions shall be authenticated by a Declaration, which may be partly written and partly printed, in the form or as near as may be in the form of the Schedule

Transmission of Mortgages by other means than Transfer to be authenticated by a Declaration.

(A.) to this Act annexed; and every such Declaration shall state the manner in which and the party to whom such mortgage has been so transmitted, and shall be made and signed by some credible person before a Sheriff or Justice of the Peace; and such Declaration shall be left with the Treasurer, who shall thereupon enter the name and address of the person entitled thereto under such transmission in the Register of Transfers, and for every such entry the Treasurer may demand any sum not exceeding One shilling; and until such transmission has been so authenticated and entered in the said Register no person claiming by virtue of any such transmission shall be entitled to receive any portion of the sum contained in any such mortgage.

Contents of
Declaration
in Cases of
Transmission
by Marriage
or Will.

XII. If such transmission be by the marriage of a female creditor, such Declaration shall contain a copy of the Register of such Marriage, or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of such mortgage; and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, the Probate of the Will or the Letters of Administration, or an official copy thereof, obtained from any Prerogative Court if granted in England, or a testamentary or testament dative if expedite in Scotland, or an official extract thereof, shall, together with such Declaration, be produced to the Treasurer; and upon such production in either of the cases aforesaid the Treasurer shall make an entry of such Declaration in the Register of Transfers.

Commission-
ers not bound
to regard
Trusts.

XIII. The Commissioners shall not be bound to see to the execution of any Trust, whether express, implied, or constructive, to which any mortgage already granted or hereafter to be granted by the Commissioners under the authority of the recited Act or this Act, or the money, principal, or interest thereby secured, may be subject; and the receipt of the person in whose name any such mortgage stands in the books of the Commissioners shall be a sufficient discharge to the Commissioners for any money payable in respect of such mortgage, notwithstanding any Trust to which the same or the money thereby secured may then be subject, and the Commissioners shall not be bound to see to the application of the money paid upon such receipt; and the receipt of the person named in any such mortgage or transfer thereof then surviving shall from time to time be a valid and sufficient discharge to the Commissioners for the payment of the interest on such mortgage.

XIV. The "Glasgow Water Account," to be kept by the Treasurer as directed by the recited Act,¹ shall be closed and brought to a Balance as on the Twenty-eighth day of May in each year for the year immediately preceding, and shall be submitted to a meeting of the Water Committee appointed by the Commissioners, which shall be called and held within Twenty-one days thereafter, at which meeting the Account shall be examined and authenticated by the docquet and subscription of the Chairman of the meeting; and an Abstract Statement and Account shall be printed, and a copy thereof delivered to each Commissioner Fourteen days at least prior to the Annual General Meeting of the Commissioners.

Water Account to be balanced.

¹The Act of 1855, section 10, p. 6.

XV. At the first meeting of the Commissioners to be held after the passing of this Act the Commissioners shall appoint for the financial year then current, and thereafter annually at their Annual General meeting, an Auditor (being a person well skilled in accounts, and not being one of the Commissioners or holding office under them) to audit and docquet the said "Glasgow Water Account," and such Auditor shall be allowed such reasonable remuneration for his time, trouble, and responsibility as the Commissioners or the Water Committee may fix; and in case the office of such Auditor shall, before such accounts have been audited by him, become vacant by death or from any other cause, the Commissioners shall from time to time appoint an Auditor to supply such vacancy; and their whole books, accounts, vouchers, and documents shall be laid before the Auditor for the purposes of such audit; and Sections Ninety-two, Ninety-three, and Ninety-four of "The Commissioners Clauses Act, 1847," with respect to the appointment of Auditors and the auditing of accounts, shall be and are hereby excepted from the recited Act, and shall not be applicable to the undertaking of the Commissioners.

Auditor to be appointed by the Commissioners.

XVI. And whereas it is expedient that provision should be made for the recovery of the Rates or Charges for Supplies of Water furnished under Section Eighty-seven of the recited Act for purposes not domestic: The Commissioners may recover any such Rates or Charges due under the provisions of the recited Act, either according to the ordinary procedure before any competent Court, or, at any time after the expiry of Fourteen days after such Rates or Charges shall be due and demanded by a written or printed requisition addressed to the tenant or occupier, and delivered or left on the premises to which the Water has been supplied, the Commissioners

Recovery of Charges for Supplies of Water for Purposes not domestic.

may make application to the Magistrates or Sheriff for a summary warrant to recover such Rates or Charges, with costs, from the persons liable to pay the same, producing therewith a list of the persons in arrears certified by the Treasurer; and on such application being made, the Magistrates or Sheriff shall grant warrant for summoning the persons named in such list, and witnesses for both parties, to appear before the Magistrates, or any one of them, or the Sheriff, at a time and place to be specified in such warrant, being not less than Three days from the date of citation; and on the appearance of any of such persons to answer such summons at the time and place specified in such warrant, or at any other time or place to which the hearing may be adjourned, the Magistrate or Sheriff shall hear the parties and any evidence they may adduce orally, and determine the matter in dispute summarily, and without preserving any written record of pleadings or evidence; and the judgment or determination of the Magistrate or Sheriff shall be final and conclusive, and not subject to review in any court or by any process whatsoever; and the Magistrate or Sheriff shall grant warrant for recovery of the Rates or Charges in arrears, according to such judgment or determination in regard to the persons so appearing, and against the persons failing to appear, for the respective sums claimed, in either case with costs, if found due, which shall be fixed by the Magistrate or Sheriff at the time of granting such warrant for recovery; and such warrant may be enforced in the manner provided in the recited Act with respect to the recovery of arrears of rates.²

¹ Now under section 22 of the Amendment Act, 1879, p. 115.

² See sections 106, 107, and 108 of Act of 1855 (pp. 37 and 38), and sections 10 and 11 of Amendment Act, 1865 (p. 64), for provisions with respect to recovery of arrears of rates.

Apparatus to be approved by the Engineer of the Commissioners

XVII. All the Apparatus used or to be used for conveying water to the houses of the inhabitants and manufactories or other premises supplied or to be supplied with water under the provisions of the recited Act,¹ shall be subject to the approval of the Engineer to the Commissioners;² and in case of dispute between the parties providing such Apparatus and such Engineer, such dispute shall be determined by the Water Committee of the Commissioners, whose decision shall be final.

¹ The Act of 1855.

² See section 8 of Amendment Act 1865 (p. 62); sections 9, 10, and 12 of Amendment Act 1873 (pp. 90 and 91); and the provisions of the Waterworks Clauses Acts 1847 and 1863 (Appendix, pp. 148 and 171), for the further powers of the Commissioners with reference to cisterns, pipes, defective apparatus, &c.

XVIII. If any Pipe, Bulcock, Stopcock, Cistern, or any other apparatus used for conveying water supplied by the Commissioners to the houses of the inhabitants or manufactories, or for storing it therein, shall be out of order the owner or other person using any apparatus not belonging to the Commissioners shall be bound to repair and make good the same on receiving a written or printed requisition so to do; and if such owner or other person fail to make the requisite Repairs within Two Days after such requisition, it shall be in the power of the Commissioners, by their Engineer, to repair, renew, and make good and water-tight all such apparatus; and the Commissioners shall be entitled to recover from the owner or other person so failing the cost of such Repair or Renewal, together with the penalty contained in "The Waterworks Clauses Act, 1847," for wilful waste of water, or for suffering such apparatus to be out of Repair, by summary application to the Magistrates or Sheriff, in the same manner as is herein provided with respect to the recovery of rates for supplies of water for purposes not domestic.

Pipes, &c., to be kept in repair.

This section was repealed by section 11 of the Amendment Act 1873, p. 91.

XIX. The Expenses of obtaining and passing this Act, and Expenses of incidental thereto, shall be paid by the Commissioners out Act. of the rates to be levied under the authority of the recited Act, or out of the money to be borrowed under the authority of the recited Act or this Act.

SCHEDULE (A.) to which this Act refers.

Form of Declaration.

I *A. B.* [*Name and Designation*] do hereby solemnly and sincerely declare, that the Mortgage or Assignment in Security, Number , dated , granted by the Commissioners of the Glasgow Corporation Waterworks in favour of *C. D.* [*Name and Designation of Grantee*], [*and if there have been any previous Transferences, here add*] "and which was afterwards transferred by "the said *C. D.* to *E. F.* [*Name and Designation*] by Transfer "dated the day of , " [*or, as the case may be,*] is now vested in and held by *J. K.* [*Name and Designation*]; and I further declare, that the said Mortgage has become vested in the said *J. K.* in manner following [*here state the Mode in which the Mortgage has been transmitted from the Person whose Name last appears in the Books of the Commissioners as Creditor*]. And I

make this solemn Declaration, conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Sixth year of the reign of His late Majesty King William the Fourth, intituled "An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to Substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extrajudicial Oaths and Affidavits,' and to make other Provisions for the Abolition of unnecessary Oaths."

Declared at	this	day of	} A. B.
Eighteen hundred and		, before me,	
L. M. Sheriff	[Sheriff-Substitute, or Justice		
of the Peace, as the case may be,]	of the		
County of			

III.

AN

ACT

*To authorize the Commissioners of the Glasgow Corporation
Waterworks to raise a further sum of money*

23 VICTORIÆ, CAP. 33.

[*Royal Assent, 15th May, 1860.*]

WHEREAS an Act¹ was passed in the Eighteenth and Nineteenth year of the reign of Her present Majesty, intituled An Act to authorize and empower the Magistrates and Council of the City of Glasgow to supply with Water the said City and suburbs thereof, and Districts and Places adjacent; to purchase and acquire the Glasgow Waterworks and the Gorbals Gravitation Waterworks, and to introduce an additional supply of Water from Loch Katrine; and for other purposes; and another Act² was passed in the Twenty-second year of the reign of Her present Majesty, intituled An Act to authorize the Commissioners of the Glasgow Corporation Waterworks to raise a further sum of Money, and to amend "The Glasgow Corporation Waterworks Act, 1855:"

¹The Act of 1855.

²The Amendment Act of 1859.

And whereas the Commissioners appointed by the first-recited Act were thereby authorised to borrow on mortgage any sums not exceeding Seven hundred thousand Pounds; and by the second-recited Act the said Commissioners were authorized to borrow on mortgage any sums not exceeding Two hundred thousand Pounds, in addition to the said sum of Seven hundred thousand Pounds, and to apply the several sums borrowed under the authority of the said Acts in defraying the expense of purchasing and acquiring lands and other property, and of executing the Works authorized by the first-recited Act, and in satisfying and discharging the debts and obligations of the Company of Proprietors of the Glasgow Waterworks and the Gorbals Gravitation Water Company, and in defraying the expenses of obtaining the said Acts, and carrying into effect the several purposes thereof:

And whereas the said Commissioners have borrowed upwards of Eight hundred and eighty thousand Pounds under the authority of the recited Acts, and the said sum has been applied for the purposes thereof; but after satisfying and discharging the debts and obligations and expenses above mentioned, the balance remaining to be borrowed is inadequate to defray the expense of completing the Waterworks authorized by the first-recited Act; and in consequence of the rapid increase of the population, and the trade and manufactures of the said City and Suburbs, and Districts and Places adjacent, within the limits of the first-recited Act, an extension of the said Waterworks, and an increase of the supply of Water will soon be required, and it is necessary and expedient that the said Commissioners should be authorized to borrow a further sum of Money for the purpose of completing and extending the said Waterworks, and increasing the supply of Water, and for the general purposes of the undertaking; but these objects cannot be effected without the authority of Parliament:

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be Enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short Title. I. This Act may be cited for all purposes as "The Glasgow Corporation Waterworks Amendment Act, 1860."

Interpreta- II. The several words and expressions interpreted in the
tion of Terms. first-recited Act and the Acts therewith incorporated¹ shall, when used in this Act, have the same meanings as are by the first-recited Act and the said Acts assigned to them respectively.

¹ See sections 2, 3, 4, and 5 of the Act of 1855, pp. 3 and 4.

Clauses of 10 & 11 Vict. c. xvi. with respect to Mortgages incorporated. III. The Clauses of "The Commissioners Clauses Act, 1847,"¹ with respect to the Mortgages to be executed by the Commissioners, are hereby incorporated with this Act, and shall be applicable to the Mortgages to be granted under the authority of this Act, in the same manner as the said Clauses are applicable to the Mortgages granted or to be granted under the Authority of the recited Acts.

¹ See sections 75 to 88, both inclusive, of this Act. Appendix, pp. 138 to 142.

IV. It shall be lawful for the Commissioners to borrow on Mortgage any sums not exceeding Three hundred and fifty thousand Pounds, in addition to the sum of Nine hundred thousand Pounds authorized to be borrowed by the recited Acts, and to make and grant Mortgages and Assignations of the property and works vested in and acquired, or to be acquired or constructed, by the Commissioners in virtue of the first-recited Act, and the several Rates to be levied by them under the provisions thereof, in security of the payment of the money so borrowed and interest thereon;¹ and if, after having borrowed the said sums or any part thereof, the Commissioners pay off the same otherwise than by means of the Sinking Fund herein-after mentioned, it shall be lawful for them again to borrow the amount so paid off, and so from time to time; and the Mortgages and Assignations to be made and granted by the Commissioners may be partly in writing and partly printed, and shall be subscribed by at least two Commissioners and the Treasurer at a Meeting of the Commissioners.

Power to
borrow on
Mortgage.

¹ See notes to section 109 of Act of 1855, p. 39.

V. It shall be lawful for the Commissioners to accept and take from any Bank or Banking Company credit on a Cash Account to be opened and kept with such Bank or Banking Company in the name of the Commissioners, according to the usage of Bankers in Scotland, to the extent of the sum which the Commissioners are authorized to borrow as afore-said, or any part thereof, and, if required, to make and grant mortgages and assignations of the property and works vested in and acquired, or to be acquired or constructed, by the Commissioners in virtue of the first-recited Act, and the several rates to be levied by them under the provisions thereof, in security of the payment of the amount of such credit, or of the sums advanced from time to time on such Cash Account, with interest thereon;¹ provided that the whole sum due and owing by the Commissioners on such Cash Account, and for money borrowed by them on bonds or on mortgages or assignations of the said property and works and rates, or any part thereof, shall not, when taken together, exceed the sum of One million two hundred and fifty thousand Pounds by the recited Acts and this Act authorized to be borrowed.

Power to
Commission-
ers to borrow
on Cash
Account.

¹ See note to section 110 of Act of 1855, p. 40.

VI. The sums to be borrowed by the Commissioners under the authority of this Act shall be applied in defraying the expense of completing and extending the said waterworks, and increasing the supply of water to the said city and

Application
of Money
borrowed.

suburbs, and districts and places adjacent, within the limits of the first-recited Act, and for the general purposes of the undertaking.

Debt may be funded.

VII. The Commissioners may fund the whole or any part of the sums to be raised on mortgage under the authority of this Act under the powers and provisions, with the rights and privileges, and subject to the restrictions and conditions which are contained in Sections One hundred and twelve to One hundred and sixteen, both inclusive, of the first-recited Act.¹

¹ See these sections and the notes thereon, pp. 40 and 41.

Provisions as to Judicial Factor and Sinking Fund to be applicable to this Act.

VIII. Sections One hundred and seventeen, One hundred and eighteen, and One hundred and nineteen of the first-recited Act¹ with respect to the appointment, powers, and duties of a Judicial Factor, and the Sinking Fund to be set apart for the redemption of mortgages and annuities, shall be and are hereby made applicable to the money to be borrowed, and the mortgages and assignations in security to be granted under the authority of this Act, in the same manner as if the money to be borrowed under the authority of this Act had been borrowed under the authority of the recited Acts or either of them; and such Sinking Fund shall commence with regard to all the money to be borrowed under the recited Acts, or either of them, or this Act, at the time appointed in the first-recited Act.

¹ The Act of 1855, pp. 41, 42, and 43.

Saving existing Annuities and Securities.

IX. Nothing in this Act contained shall prejudice any Bonds, Annuity Debentures, Mortgages, or Assignations in Security granted by the Commissioners under the authority of the recited Acts,¹ or either of them, and subsisting at the date of the passing of this Act, and such Bonds, Annuity Debentures, Mortgages, and Assignations shall be and remain in full force and as valid and effectual in all respects as if this Act had not been passed.

¹ The Act of 1855 and the Amendment Act of 1859.

Provisions as to Transfer and Discharge of Mortgages to be applicable to this Act.

X. Sections Ten to Thirteen, both inclusive, of the second-recited Act,¹ with respect to the Transfer, Transmission, and Discharge of Mortgages granted under the authority of the recited Acts, shall be and are hereby made applicable to the money to be borrowed, and the Mortgages and Assignations in security to be granted, under the authority of this Act, in the same manner as if the money to be borrowed, and the Mortgages and Assignations in security to be granted, under

¹ The Amendment Act 1859. See pp. 49 and 50.

the authority of this Act, had been borrowed or granted under the authority of the recited Acts, or either of them.

XI. The expenses of obtaining and passing this Act and Expenses of incidental thereto shall be paid by the Commissioners out of Act. the rates to be levied under the authority of the first-recited Act, or out of the money to be borrowed under the authority of the recited Acts or this Act.

IV.

AN

ACT

To authorize the Commissioners of the Glasgow Corporation Waterworks to construct a Bridge for carrying the Aqueduct from Loch Katrine to Glasgow over the River Endrick ; to provide for the better Distribution of Water; and for other purposes.

28 VICTORIÆ, CAP. 69.

[*Royal Assent, 2nd June, 1865.*]

WHEREAS by "The Glasgow Corporation Waterworks Act 1855," the Magistrates and Council of the city of Glasgow were appointed Commissioners for carrying into effect the purposes of the said Act, and were authorized to supply with water the said city and suburbs thereof, and districts and places adjacent ; to purchase and acquire the Glasgow Waterworks and the Gorbals Gravitation Waterworks, and to introduce an additional supply of water from Loch Katrine ; and by "The Glasgow Corporation Waterworks Amendment Act, 1859," and "The Glasgow Corporation Waterworks Amendment Act, 1860," the Commissioners were authorized to raise further sums of money for these purposes :

And whereas the Waterworks authorized by the first-recited Act were executed and completed by the Commissioners, and have for several years been in successful operation, to the great benefit and advantage of the inhabitants of the said city and suburbs, and districts and places adjacent :

And whereas it is expedient that a bridge should be erected over the river Endrick, for the purpose of carrying the aqueduct from Loch Katrine to Glasgow over the said river :

And whereas it is expedient that further provision should be made for introducing a supply of water into dwelling houses and tenements within the limits of the first-recited Act, and for requiring the owners thereof to provide and maintain the means of conveying water from the mains of the Commissioners to such dwelling houses and tenements ;

and that the recited Acts should be amended; but these objects cannot be effected without the authority of Parliament:

MAY IT THEREFORE PLEASE YOUR MAJESTY,

That it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

I. This Act may be cited for all purposes, as "The Glasgow Short Title. Corporation Waterworks Amendment Act, 1865."

II. The several words and expressions interpreted in the Interpretation first-recited Act, and the Acts therewith incorporated,¹ shall, tion of Terms, when used in this Act, have the same meanings as are by the said Acts assigned to them respectively:

The words "Owner" or "Owners,"² when used in the Owner. recited Acts or this Act, shall include and be construed to apply to the persons receiving the rents of any house or premises on their own account, or as agents or factors for any person interested therein, and such persons shall be deemed to be the Owners of such houses or premises, in regard to all the powers and provisions of the recited Acts and this Act:

The word "Sheriff" in this Act shall mean the Sheriff. Sheriff of the County of Lanark, or any one of his Substitutes.

¹ See sections 2, 3, 4, and 5 of the Act of 1855, pp. 3 and 4.

² See also section 2 of Amendment Act of 1866 (p. 72) for interpretation of words "Owner" or "Owners."

III. "The Lands Clauses Consolidation (Scotland) Act, Incorporation of Lands and Waterworks Clauses Acts. 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Waterworks Clauses Act, 1847," with the exceptions specified in the first-recited Act,¹ "The Waterworks Clauses Act, 1863," and "The Commissioners Clauses Act, 1847," with the exceptions specified in the first-recited Act,² are incorporated with this Act.

¹ See section 5 of the Act of 1855, p. 4.

² See section 4 of the Act of 1855, p. 4.

IV. And whereas a Plan and Sections of the Bridge Power to construct Bridge over River Endrick. and a Book of Reference to such Plans, containing

the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands in or upon which the same is intended to be constructed, or which may be required to be taken for the purposes thereof, have been deposited with the principal Sheriff Clerk of the County of Stirling: It shall be lawful for the Commissioners, with the powers and subject to the provisions contained in this Act, and the Acts incorporated herewith, to enter upon, take, and use the said lands, or such of them, or such parts thereof, as they may deem necessary for the purposes of their undertaking, and to make and maintain the said Bridge over the River Endrick, near the wooden foot-bridge erected by the Commissioners over the said River, in the parish of Killearn, and all necessary works and conveniences connected therewith, in the line and on the levels described on the said Plan and Sections, and to carry the aqueduct from Loch Katrine to Glasgow over the said River by means of the said Bridge.

Powers of
Deviation.

V. It shall be lawful for the Commissioners to make lateral Deviations from the line of the said bridge and works to any extent not exceeding the limits of lateral Deviation marked on the said Plan, and to make vertical Deviations from the levels of the said bridge and works, as shown on the said Sections, to any extent not exceeding Five feet.

Powers for
compulsory
purchase
limited.

VI. The powers conferred by this Act for the compulsory Purchase of Lands shall not be exercised after Three years from the passing of this Act.

Providing for
Expense of
Works,

VII. The Expense of constructing the Bridge and Works by this Act authorized, and acquiring the Lands necessary for the purposes thereof, shall be defrayed by the Commissioners from and out of the rates to be levied or out of the money to be borrowed under the authority of the recited Acts and this Act.

Owners to
provide and
maintain
Service Pipes,
&c.

VIII. For the purpose of providing for the better distribution of the water supply among the inhabitants, it shall be lawful for the Commissioners to require the owner¹ of any dwelling house or tenement of dwelling houses not properly supplied with water, in any street within the limits of the first-recited Act in which the Pipes of the Commissioners are laid, to take a supply of water for such house or tenement by connecting a Service Pipe with the Main Pipe of the Commissioners in any street or road, and to provide, lay, and maintain in good and sufficient repair, such Service Pipes, Stand Pipes or Taps, Cisterns, and other means and appa-

tus, and in such positions as may be necessary for that purpose; and in the event of refusal or delay on the part of such owner to comply with such requisition, it shall be lawful for the Commissioners to enter such house or tenement and premises connected therewith, and to provide, lay, and maintain such Service Pipes, Stand Pipes or Taps, Cisterns, and other means and apparatus, and in such positions as may be necessary for the purpose aforesaid, and to recover the expense thereof from such owner, in the same manner as rates or penalties are authorized to be recovered by the first-recited Act or this Act:² Provided always, that in the case of houses not exceeding Ten Pounds of yearly rent or value, such owner shall not be required to introduce water into each house, but only such means of supply for each tenement of houses as the Commissioners may deem necessary: Provided also, that in case of any question or difference arising between the Commissioners and such owner with respect to the necessity for such means of supply being provided for any such house or tenement, or with respect to the number or position of Service Pipes, Stand Pipes or Taps, Cisterns, or other means and apparatus necessary for the purpose aforesaid, the same shall be determined and fixed by the Sheriff on summary application by either of the parties; and the decision of the Sheriff shall be final, and not subject to appeal or review in any court or by any process whatsoever.

¹ As to interpretation of word "Owner," see section 2 of this Act.

² See sections 106, 107, and 108 of Act of 1855, pp. 37 and 38; and sections 10 and 11 of this Act.

IX. The Commissioners shall allow to the Owners of dwelling houses or tenements who shall pay the Domestic Water Rate authorized by the first-recited Act, instead of the occupiers thereof, under the provisions of the Ninety-seventh Section of the said Act,¹ the following Abatements from the Domestic Water Rate falling due after the Twenty-eighth day of May, One thousand eight hundred and sixty-six, in place of the Abatement of Ten per cent. authorized by the said Section, that is to say, Twenty per cent. on the amount of Domestic Water Rate paid by the Owners of houses or tenements under Seven Pounds of yearly rent or value; and Fifteen per cent. on the amount of Domestic Water Rate paid by the Owners of houses or tenements of Seven Pounds and not exceeding Ten Pounds of yearly rent or value: Provided, that no Abatement whatsoever shall be claimable by or allowed to any such Owners who shall not pay the Domestic Water Rate when due and demanded in terms of the first-recited Act.

¹ The Act of 1855, p. 55.

Recovery of
Arrears of
Rates.

X. The Commissioners may recover any Arrears of Rates due and payable under the provisions of the first-recited Act, by obtaining from the Magistrates or Sheriff a summary warrant to recover such Arrears, with the addition of Ten per cent. on the amount thereof, as costs, from the persons liable to pay such Arrears of Rates; and the Magistrates or Sheriff shall grant such warrant on production of a list of the names and addresses of the persons so in arrear, and the amounts respectively due by them, with a certificate by the Treasurer that they have been severally required to make payment of such Arrears, by a printed or written requisition in the name of the Commissioners, delivered to them personally, or left at their respective residences or in the premises in respect of which such Arrears are due, at least Fourteen days previously, and that such Arrears are truly due by such persons, and do not exceed the Rates fixed by or under the provisions of the first-recited Act; and such warrant, in the case of owners of houses not exceeding Ten Pounds of yearly rent or value, shall contain authority to arrest the rents of the houses or premises respectively for such Arrears and Costs, which arrestment when executed may be followed up by action of forthcoming in any competent court, or failing recovery under such warrant, such Arrears may be recovered by means of the ordinary procedure before any competent court and legal diligence following thereon, according to the law and practice of Scotland: Provided, that if any person so in arrear shall not have previously appealed against such Rates, such person may, on consignation in the hands of the Treasurer, of the sum alleged to be due and costs, cite the Treasurer to appear before the Magistrates or Sheriff, who shall thereupon summarily inquire into and dispose of any objections to such Rates, and wholly or partially confirm or recall the said warrant; and the decision of the Magistrates or Sheriff shall be final, and not subject to review in any court or by any process whatsoever.

See also sections 106, 107, and 108 of Act of 1855 (pp. 37 and 38), and section 16 of Amendment Act 1859 (p. 51) for further provisions with respect to the recovery of rates and charges, and arrears thereof.

Jurisdiction
of Sheriff of
Lanarkshire
extended.

XI. To insure the more speedy and convenient recovery of the rates by the first-recited Act authorized to be levied, including the rates and charges for the supply of water for other than domestic purposes, and any forfeitures or penalties that may be incurred under the provisions of the recited Acts and the Acts incorporated therewith, or any of them, and the enforcement generally of the provisions of the recited Acts and this Act, within the limits of the first-recited Act,

the Sheriff shall have Jurisdiction, and he is hereby required to grant the summary warrants by this Act authorized, and to hear and determine all complaints, actions, and suits which may be brought before him by the Commissioners, either in the form specially prescribed by the recited Acts or this Act, or according to the ordinary procedure before his court, notwithstanding that the persons complained of or sued may be resident, or the cause of complaint or ground of action may have arisen, beyond the county of Lanark; and such persons may be cited to appear before the Sheriff either personally or at their usual residences, or by a citation left for them at the houses or premises to which water has been supplied, or in respect to which the cause of action has arisen, and the orders, warrants, and decrees of the Sheriff may be lawfully executed in any other county without being indorsed by any other judge.

XII. The Surveyors appointed by the Commissioners under the authority of the Ninety-fifth Section of the first-recited Act,¹ in estimating and fixing the annual Value of the Dwelling Houses and Lands and Heritages liable to be assessed under the provisions of the first-recited Act, shall be regulated, as far as may be, by the Valuation made under the provisions of the Public Act, Seventeenth and Eighteenth Victoria, Chapter Ninety-one, for the Valuation of Lands and Heritages in Scotland, or of any Act for amending that Act; and if the Valuation of the said Surveyors shall at any time exceed or be less than the Valuation made under the authority of the said Act, the Commissioners are hereby authorized and required to alter and correct the same in conformity with such last-mentioned Valuation; and the Valuation so made and adjusted shall be final and binding on all parties, and not subject to review or alteration by any court: Provided, that nothing in this Act contained shall render assessable, for the purposes of the recited Acts or this Act, any property of whatever nature which is not assessable under the powers of the first-recited Act; and nothing in this Act contained shall affect any rights of appeal conferred by the first-recited Act, so far as relating to the question whether such property is or is not assessable under that Act.

Act for the
Valuation of
Lands and
Heritages to
regulate
Assessment.

¹ The Act of 1855, p. 34.

XIII. The Water supplied by the Commissioners within the limits of the first-recited Act¹ shall be constantly laid on at such pressure as will make the Water reach the top storey of the highest houses within the limits of the said Act, in so far as that can be done by means of their existing reservoirs and works: Provided always, that where houses have been

Regulating
Supply of
Water at
High Levels.

or may be erected within the said limits on High Levels to which Water cannot be raised by means of the said existing reservoirs and works, the Commissioners shall not be bound to supply Water to such houses, notwithstanding anything contained in the first-recited Act,² or in "The Waterworks Clauses Act, 1847,"³ or this Act: Provided also, that in such cases an intermittent supply shall be given, when practicable, on the owners or occupiers of such houses providing and maintaining at their own expense suitable cisterns and other apparatus for the reception and storage of the Water.

¹ See Act of 1855, sections 82 and 83, pp. 28 and 29.

² See sections 84 and 86 of Act of 1855, pp. 29 and 30.

³ See sections 35, 36, and 44 of "The Waterworks Clauses Act, 1847." Appendix pp. 160 and 162.

Form and
Execution of
Mortgages.

XIV. Every Mortgage to be granted by the Commissioners after the passing of this Act shall be by deed duly stamped, in the form of the Schedule (A) to this Act annexed, or to the like effect, and may be partly printed and partly in writing, and shall be subscribed by Two of the Commissioners and the Treasurer at a meeting of the Water Committee:¹ Provided, that no Commissioner or Treasurer shall, by his subscription of any such Mortgage, be liable, or be held to have rendered himself individually or personally liable, for the payment of any money so borrowed, or any interest thereon, or of any sums whatsoever in respect thereof.

¹ See note (3) to section 109 of the Act of 1855, p. 39.

Mortgages
may be
accompanied
with Interest
Warrants.

XV. Any Mortgage which may be granted by the Commissioners after the passing of this Act, may be expressed as being granted under the authority of the recited Acts, and this Act; and it shall be lawful for the Commissioners to issue, along with any such mortgage, and during the period of any postponement of the term of payment thereof, Interest Warrants in the form of the Schedule (B) to this Act annexed, or to the like effect, signed by the Treasurer, for the periodical payment of the interest to become due on the principal sums thereby secured, during the period for which such Mortgage is intended to subsist; and the delivery to the Commissioners, or their Treasurer, or to any other person on their behalf, of any such Interest Warrant duly stamped shall be a valid and sufficient discharge to the Commissioners for the interest in respect of which the same was issued.

Partial
Transfers
not to be
registered.

XVI. From and after the passing of this Act, the Commissioners shall not be bound to enter in the Register of Transfers kept by them, or their Clerk, under the provisions of the first-recited Act, or the Acts incorporated therewith,

any Transfer of a part only of any annuity granted under the authority of the first-recited Act,¹ or any Transfer having reference to any mortgage granted or to be granted under the authority of the recited Acts and this Act, unless the whole of the principal sum and interest secured by such mortgage be transferred by such Transfer, nor unless such Transfers, or official extracts thereof, be delivered to the Commissioners for the purpose of being retained by them; and it shall not be necessary in any such Transfer to state the consideration for granting the same, provided such Transfer be impressed with the stamp duty applicable by law to an assignation of a mortgage for securing a sum equal to the principal sum thereby transferred.

¹ This provision was repealed, and partial transfers of annuities made permissible, by section 7 of the Amendment Act 1873, p. 90.

XVII. If any Annuity or Mortgage be transmitted in consequence of the Bankruptcy of the person entitled thereto, there shall be produced to the Clerk of the Commissioners along with the declaration prescribed by the first and second recited Acts,¹ official evidence of such Bankruptcy and of the vesting of the Bankrupt Estate in the Trustee, official assignee, or other person to whom such estate shall be transferred.

Transmission of Annuities and Mortgages in case of Bankruptcy.

¹ See section 33 of the Act of 1855 (p. 11), and section 11 of the Amendment Act 1859, p. 49.

XVIII. All Mortgages to be granted by the Commissioners under the authority of the recited Acts and this Act, and all money to be advanced and lent on the security of the property and works of the Commissioners and the rates authorized to be levied by them, shall be Moveable or Personal Estate, and transmissible as such, and shall not be of the nature of heritable or real estate.

Mortgages to be Personal Estate.

¹ The Glasgow Corporation Waterworks Annuities are also declared to be moveable or personal estate by section 29 of the Act of 1855. See p. 10.

² In *Downie v. Downie's Trustees* (July 14th, 1866, 4 Macp. 1067) it was held that a Glasgow Corporation Water Mortgage was heritable as regards the rights of the creditor's widow.

XIX. Any person entitled to any Mortgage granted or to be granted by the Commissioners, under the authority of the recited Acts and this Act, may discharge the same and his right and interest therein in favour of the Commissioners; and every such Discharge may be written or partly written and partly printed on the Mortgage, and may be according to the form contained in the Schedule* (C) to this Act annexed, or to the like effect, and when signed by the granter thereof and duly stamped, shall be valid and effectual to all intents and purposes.

Discharge of Mortgages.

XX. Whereas it is expedient that the period for bringing into operation the Sinking Fund provided for by Section One hundred and nineteen of the first-recited Act¹ should be postponed: The said Sinking Fund shall not come into Operation until the expiration of Five years after the passing of this Act,² and the Commissioners shall not be required to set apart any money for the purpose of the said Sinking Fund until the expiration of the said period; and after the expiration of the said period, the Commissioners shall, from and out of any surplus moneys appearing upon the yearly balance of the Glasgow Water Account, set apart as a Sinking Fund a sum not less than One Pound *per centum* per annum on the amount borrowed for the purpose of defraying the expense of the new works authorized by the first-recited Act and this Act, for Ten years from the expiration of the said period, and a sum not less than One Pound Ten Shillings *per centum* per annum on the said amount, from the expiration of Fifteen years after the passing of this Act: Provided always, that any surplus moneys appearing on the yearly balance of the Glasgow Water Account during the said period of Five years after the passing of this Act, shall be set apart and accumulated by the Commissioners as a Reserve Fund to meet contingencies,³ and to provide for uniformity in the domestic water rate leviable in the several districts within the limits of the first-recited Act: Provided also, that the said domestic water rate shall not, during the said period of Five years, be reduced below One Shilling in the Pound of the full annual value of the dwelling houses or premises within any portion of the limits of the first-recited Act.

¹ The Act of 1855, see p. 43.

² That is, not until 2nd June, 1870.

³ By section 15 of the Amendment Act 1873 (p. 92), the "Reserve Fund," in so far as not required to meet contingencies, may be applied in the redemption of mortgages or annuities.

XXI. It shall be lawful for the Commissioners to make Bye-laws for regulating all or any matters and things whatsoever connected with the Supply of Water, and for the prevention of waste, misuse, or undue consumption of water, within the limits of the first-recited Act; and to impose such penalties for breaches of such Bye-laws, not exceeding Five Pounds for each offence, as may be considered expedient; and, from time to time as they shall think fit, to repeal, alter, or re-enact any such Bye-laws: Provided, that such Bye-laws shall not be repugnant to the law of Scotland, and before being acted on, shall be signed by at least Two of the Commissioners, and approved of and confirmed by the Sheriff, and inserted weekly for at least two weeks in

any two newspapers published in Glasgow; and all Bye-laws so made, signed, confirmed, and published, shall be observed by and be binding upon all persons concerned therein.

No such byelaws have yet been enacted by the Commissioners, but certain rules and regulations have been made with regard to several of the matters and things referred to in this section. See also sect. 96 of "The Commissioners Clauses Act, 1847" and notes thereon. Appendix, p. 144.

XXII. All Penalties, Forfeitures, and Damages imposed and recovered under the authority of the recited Acts or this Act, or the Acts incorporated therewith respectively, shall be payable to the Commissioners, and shall, when recovered, be applied by them to the purposes of the recited Acts and this Act.

Recovery of Penalties and Forfeitures.

XXIII. Excepting in so far as repealed, varied, or altered by this Act, the powers and provisions of the recited Acts shall remain in full force and effect.

Acts to remain in force except as hereby altered.

XXIV. The Expenses of applying for and obtaining this Act, and incidental thereto, shall be paid by the Commissioners out of the Rates to be levied or the money to be borrowed under the authority of the recited Acts and this Act.

Expenses of Act.

SCHEDULES REFERRED TO IN THIS ACT.

SCHEDULE (A).

Form of Mortgage.

Mortgage, No.	£
By virtue of "The Glasgow Corporation Waterworks Act, 1855,"	
"The Glasgow Corporation Waterworks Amendment Act, 1859,"	
"The Glasgow Corporation Waterworks Amendment Act, 1860,"	
and "The Glasgow Corporation Waterworks Amendment Act,	
"1865," We the Magistrates and Council of the City of Glasgow,	
as Commissioners appointed and acting under the said Acts, in	
consideration of the principal sum of [<i>specify amount</i>] paid by	
[<i>name and designation of mortgagee</i>] to the Treasurer to the said	
Commissioners, for the purposes of the said Acts, do hereby grant	
and assign to the said [<i>name of mortgagee</i>], and his executors,	
administrators, and assignees (<i>or as the case may be</i>), the property	
and works vested in and to be acquired or constructed by the said	
Commissioners, and the several rates to be levied by them, under	
the authority of the said Acts, or any of them; to hold to the said	
mortgagee and his forebears, until the said principal sum, and the	
whole interest due thereon, shall be fully paid and satisfied; and it	

is hereby stipulated that the said principal sum shall be repayable on the [date], or shall thereafter, in virtue hereof, remain as a loan to the said Commissioners, until the expiration of a further term of years, and at such rate of interest as shall be specified in a minute or minutes to be indorsed hereon, and signed by the said mortgagee or his foresaids, and by the Treasurer to the said Commissioners, and which minutes are hereby declared and shall be held to be valid and binding, though they may be neither holograph of the said mortgagee or his foresaids, nor tested: And for and in respect of interest on the said principal sum to the said date of repayment first above mentioned (being at the rate of

per centum per annum), the said Commissioners shall pay the several sums contained in the (*state number*) interest warrants, bearing the number and date hereof, and delivered herewith, and that at the several times mentioned in such warrants, upon delivery of the same respectively; and such delivery shall be a sufficient receipt and discharge to the said Commissioners for the contents of such warrants: Declaring that the said mortgagee and his foresaids shall not be entitled to make, and that the said Commissioners shall not be bound to recognize or register, any partial assignation of these presents, or of the sums of money, principal or interest, herein contained, and that the said Commissioners shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids, for or in relation to the preparation, revision, adjustment, or execution of this mortgage, or of any discharge, renunciation, release, assignation, or minute of postponement or renewal thereof. In witness whereof (*Testing Clause, according to the form of the Law of Scotland.*)

SCHEDULE (B).

Form of Interest Warrant.

GLASGOW CORPORATION WATERWORKS.

Mortgage, No.	.	Dated,	18
<i>Interest Warrant.</i>			
For	Pounds,	Shillings, and	Pence, £
		Less Income-Tax,	
			£
Payable on		, 18	
	At the		
			<i>Treasurer.</i>

SCHEDULE (C).

Form of Discharge.

Received from the Treasurer to the Glasgow Corporation Waterworks Commissioners acting on their behalf, the sum of

being the principal sum contained in the within mortgage (all interest due thereon having been previously paid); and the said mortgage is now delivered up as paid.

Dated this day of Eighteen hundred and

V.

AN

ACT

To authorize the Commissioners of the Glasgow Corporation Waterworks to construct Reservoirs and other Works, and to take Water from the River Clyde; to provide for the Removal of the Weir across the said River; and for other purposes.

29 AND 30 VICTORIÆ, CAP. 328.

[*Royal Assent, 6th August, 1866.*]

WHEREAS by "The Glasgow Corporation Waterworks Act, 1855," the Magistrates and Council of the City of Glasgow were appointed Commissioners for carrying into effect the purposes of the said Act, and were authorized to supply with Water the said city and suburbs thereof, and districts and places adjacent, to purchase and acquire the Glasgow Waterworks and the Gorbals Gravitation Waterworks, and to introduce an additional Supply of Water from Loch Katrine; and by "The Glasgow Corporation Waterworks Amendment Act, 1859," "The Glasgow Corporation Waterworks Amendment Act, 1860," and "The Glasgow Corporation Waterworks Amendment Act, 1865," further powers were granted for carrying into effect the purposes of the first-recited Act:

And whereas the Commissioners purchased and acquired the undertakings of the Glasgow Waterworks Company and the Gorbals Gravitation Waterworks Company, and the whole Waterworks, property, rights and privileges of the said Companies were transferred to and vested in the Commissioners:

And whereas it is expedient that the Dam or Weir across the River Clyde, situate above or to the east of Hutchesontown bridge in the said city, and the Lock and other Works connected therewith should be removed:

And whereas it is expedient that provision should be made for supplying Water, for trading or manufacturing purposes, to the owners and occupiers of manufactories and other Works:

Commis-
sioners may
borrow on
Cash
Account.

VI. The Commissioners may accept and take from any bank or banking company credit on a Cash Account to be opened and kept with such bank or banking company in the name of the Commissioners, according to the usage of bankers in Scotland, to the extent of the sum which the Commissioners are authorized to borrow as aforesaid or any part thereof, and, if required, to make and grant mortgages and assignations of the property and works vested in and acquired or to be acquired or constructed by the Commissioners in virtue of the recited Acts or any of them and this Act, and the several rates to be levied by them under the provisions of the recited Acts or any of them and this Act, in security of the amount of such credit, or of the sums advanced from time to time on such Cash Account, with interest thereon:¹ Provided, that the whole sum due and owing by the Commissioners on such Cash Account, and for Money borrowed by them on bonds or on mortgages or assignations of the said property and works and rates or any part thereof, shall not, when taken together, exceed the sum of One million four hundred thousand Pounds by the recited Acts and this Act authorized to be borrowed.

¹ See note to section 110 of Act of 1855, p. 40.

Application
of Money
borrowed.

VII. The sums to be borrowed by the Commissioners under the authority of this Act shall be applied in defraying the cost of constructing the works by this Act authorized, and of acquiring the lands to be taken for the purposes thereof, and in carrying into effect the purposes of the recited Acts and this Act.

Debt may be
Funded.

VIII. The Commissioners may fund the whole or any part of the sums to be raised on mortgage under the authority of this Act, under the powers and provisions, with the rights and privileges, and subject to the restrictions and conditions which are contained in sections One hundred and twelve to One hundred and sixteen, both inclusive, of "The Glasgow Corporation Waterworks Act, 1855."¹

¹ See these sections and notes thereon, pp. 40 and 41.

Provisions as
to Judicial
Factor and
Sinking Fund
to be appli-
cable to this
Act.

IX. Sections One hundred and seventeen, One hundred and eighteen, and One hundred and nineteen of "The Glasgow Corporation Waterworks Act, 1855,"¹ and Section Twenty of "The Glasgow Corporation Waterworks Amendment Act, 1865,"² with respect to the appointment, powers, and duties of a Judicial Factor, and the Sinking Fund to be set apart for the redemption of mortgages and annuities, shall be and are hereby made applicable to the money to be borrowed, and the mortgages and assignations in security to

be granted under the authority of this Act, in the same manner as if the money to be borrowed under the authority of this Act had been borrowed under the authority of the recited Acts or any of them.

¹ See these sections and notes thereon, pp. 41, 42 and 43.

² See this section and notes thereon, p. 68.

X. Nothing in this Act contained shall prejudice any Saving Bonds, Annuity Debentures, Mortgages, or Assignations in existing Security, granted by the Commissioners under the authority of the recited Acts, or any of them, and subsisting at the date of the passing of this Act; and such Bonds, Annuity Debentures, Mortgages, and Assignations shall be and remain in full force and as valid and effectual in all respects as if this Act had not been passed. Annuities and Securities.

XI. Sections Ten to Thirteen, both inclusive, of "The Glasgow Corporation Waterworks Amendment Act, 1859,"¹ and Sections Fourteen to Nineteen, both inclusive, of "The Glasgow Corporation Waterworks Amendment Act, 1865,"² with respect to the Form, Execution, Transfer, Transmission, and Discharge of Mortgages granted under the authority of the recited Acts, shall be and are hereby made applicable to the Money to be borrowed, and the Mortgages and Assignations in Security to be granted, under the authority of this Act, in the same manner as if the Money to be borrowed, and the Mortgages and Assignations in Security to be granted, under the authority of this Act, had been borrowed or granted under the authority of the recited Acts or any of them. Provisions as to Transfer and Discharge of Mortgages to be applicable to this Act.

¹ See these sections, pp. 49 and 50.

² See these sections and notes thereon, pp. 66 and 67.

XII. And whereas a Plan and Sections describing the lines and levels of the Reservoirs, Pumping Station, and Conduits or Main Pipes to be made and maintained under the authority of this Act, and a Book of Reference to such Plan, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands to be taken for the purposes thereof, have been deposited with the principal Sheriff Clerk of the County of Lanark: Subject to the provisions of this Act, the Commissioners may make and maintain in the lines and according to the levels described on the said deposited Plans and Sections, the Reservoirs, Pumping Station and Conduits or Main Pipes hereinafter described and all Culverts, Cuts, Approaches, and other proper and necessary Works and conveniences connected therewith, and may enter upon, take, and use such of the Power to make Works according to deposited Plans.

lands delineated on the said deposited Plan and described in the said deposited Book of Reference as may be required for that purpose.

Description
of Works.

XIII. The Works authorized by this Act are :

First. A Reservoir, called Reservoir for Low Level District, situate on the lands of Westthorn, in the parish of Shettleston, and near the north bank of the river.

Second. A Reservoir, called Reservoir for Middle District, situate on the said lands of Westthorn, sixty-six yards or thereabouts to the north-east of the reservoir for low level district first above described.

Third. A Reservoir, called Reservoir for High Level District, situate on the said lands of Westthorn, sixty-six yards or thereabouts to the north-east of the reservoir for middle district second above described.

Fourth. A Pumping Station in connection with the said three reservoirs and with the river, situate between the reservoir for low level district and the river, with a pipe leading from the river to the said Pumping Station.

Fifth. A Conduit or Main Pipe, commencing at the west end of the reservoir for low level district, and terminating at or near the point where the centre line of Crown Street intersects the centre line of Govan Street in the City of Glasgow.

Sixth. A Conduit or Main Pipe, commencing at the west end of the reservoir for middle district, and terminating at or near a point on the Dalmarnock Road in the line of the east side of Dunn Street in the said city.

Seventh. A Conduit or Main Pipe,¹ commencing at the west end of the reservoir for high level district, and terminating at a point in the London Road, near Newfield House, in the said city.

¹The construction of a portion of this Conduit or Main Pipe was abandoned. See section 4 of the Amendment Act 1873, p. 89.

Powers of
Deviation.

XIV. The Commissioners may make lateral Deviations from the lines of the works by this Act authorized to any extent not exceeding the limits of lateral Deviation marked on the said deposited Plan, and may make vertical Deviations from the levels of the said works as defined on the said deposited Sections to any extent not exceeding Three feet.

Restriction
of Works at
Belvidere.

XV. Provided always that in executing the Works by this Act authorized, it shall not be lawful for the Com-

missioners to construct any Works on or to enter upon or take any portion of the lands or property belonging to John Stevenson Miller, of Belvidere, marked on the said deposited Plans, numbers 2, 5, 6, 7, 11, and 12 of the Parish of Calton, and numbers 12 and 13 of the Parish of Shettleston, nor to construct any works on or to enter upon or take any portion of the lands or property belonging to the said John Stevenson Miller, marked on the said Plans, numbers 3 and 4 of the Parish of Calton, so far as such lands or property are situated at a greater distance than One hundred feet from the north edge or water-way of the river; and further, that the right to be acquired by the Commissioners in respect of the said John Stevenson Miller's remaining lands shall be the servitude and privilege of laying and maintaining in and through the same the lines of conduits or main pipes by this Act authorized, reserving full power and liberty to the said John Stevenson Miller and his successors in the said lands to pass over and use the surface of the land affected by such servitude.

XVI. The Powers of the Commissioners for the Compulsory Purchase of Lands for the purposes of this Act shall not be exercised after the expiration of Three years from the passing of this Act. Powers for
Compulsory
Purchases
limited.

XVII. The Works by this Act authorized shall be completed within Seven years after the passing of this Act;¹ and on the expiration of that Period the Powers by this Act granted to the Commissioners for executing the said Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. Period for
Completion
of Works.

¹ The period for the completion of these works was extended by sect. 3 of the Amendment Act 1873 (p. 88), and again the time for their completion (so far as not then constructed) was further extended, and other provisions made in relation thereto by the Amendment Act of 1879, p. 105.

XVIII. The Commissioners may by means of the works by this Act authorized, raise and take Water from the river for the purpose of supplying Water for Trading, Manufacturing, and other Purposes, to the owners, lessees, and occupiers of mills, manufactories, dyeworks, printworks, and other works and premises herein-after mentioned, in the manner, to the extent, and on the terms and conditions herein-after specified,¹ and also to any other persons or companies desiring such Supply of Water, on such terms and conditions, and on payment to the Commissioners of such rates for or in respect of such Supply of Water, as may from time to time be agreed Power to
supply Water
for Trading
and Manu-
facturing
Purposes.

on by and between the Commissioners and such other persons or companies or any of them.

¹See sections 22 to 27 of this Act.

Supply of
Water to
Springfield,
Clydesdale,
and Strath-
clyde Works.

XIX. Whereas it is expedient that provision should be made for affording to Messrs. William Miller and Sons, as owners or occupiers of Springfield Works, and to Messrs. William M'Lean and Son, as owners or occupiers of Clydesdale Dye-works, and to Messrs. Muir, Brown, and Company, as owners and occupiers of Strathclyde Printing and Dye-works, all situate on the banks of the river below the pumping station by this Act authorized, and their several successors in the said Works, a due supply of Water as heretofore for the purposes of their Works, after the Commissioners commence to take Water from the river under the authority of this Act: Be it enacted that from time to time, and within twenty-four hours after delivery at the principal office of the Commissioners in Glasgow of a notice in writing under the hands of the occupiers of the said Works for the time being, or any of them addressed to the Secretary of the Commissioners, intimating that the said occupiers, or any of them, have reasonable cause, from the state of the river, to apprehend a deficiency in their Supply of Water therefrom, the Commissioners shall cease pumping Water from the river between the hours of Six and Nine o'clock in the morning of each day, during such number of days as may be necessary for the purpose of allowing the said occupiers, or any of them, to obtain a due Supply of Water during the said Three hours of each day so long as any such notice is in operation; and the Commissioners shall not do any act or give their consent to any act being done whereby the natural flow of the Water in the river shall be diminished during the said Three hours of each day so long as any such notice is in operation.

For further provisions relative to Messrs. Wm. M'Lean and Son, see Agreement entered into with them relative to this Act. Appendix, p. 219.

Removal of
Weir across
the Clyde.

XX. On the expiration of Three months after the said reservoir for low level district, and the said pumping station and conduit, first, fourth, and fifth before described are completed, and the completion thereof is certified by the Lord Provost of Glasgow for the time being, and water may be taken by means thereof from the river for the supply of mills, manufactories, dye-work, print-works, and other works and premises as herein provided, it shall be lawful for the Commissioners, and they are hereby authorized and required, at the sight of the Engineer of the Trustees of the Clyde Navigation, to take down and remove the said Dam

or Weir across the river, and the Lock and other Works connected therewith; and until such removal the said Weir and Lock shall continue to be maintained by the said Trustees.

The provisions of this section were amended by sections 13, 15, 19, and 20 of the Amendment Act, 1879, pp. 112, 113, and 114.

XXI. *In respect of removal of the said Weir and Lock, and the benefit thence arising to the navigation of the river, the Trustees of the Clyde Navigation shall be bound and they are hereby required, from and out of the rates and revenues under their management and control, to repay to the Commissioners the whole Expense incurred by them in removing the said Weir and Lock and Works connected therewith, and also to pay to the Commissioners, on such removal, the sum of Five Thousand Pounds towards the cost of the Works by this Act authorized; and the materials of the said Weir and Lock may be taken and disposed of by the said Trustees as they think fit.*

Contribution
by Clyde
Trustees to
Expense of
Works.

This section was repealed and other provisions enacted in lieu thereof by section 14 of the Amendment Act, 1879, p. 112.

XXII. Whereas a bill was promoted in the last session of Parliament for, *inter alia*, obtaining statutory powers to remove the said weir and lock, which was opposed by certain persons and companies, Owners or Occupiers of Manufactories and Works in Glasgow, on the ground of alleged injury that might accrue in that event to the Supply of Water drawn by them from the river for the purposes of their several Works, which bill passed the House of Commons, but was ultimately withdrawn by the promoters thereof in the House of Lords; and whereas it is expedient to adjust the questions in dispute, in relation to the removal of the said weir and lock: Be it enacted, that the Commissioners shall, on the completion of the said reservoir, pumping station, and conduit first, fourth, and fifth before described being certified by the Lord Provost of Glasgow for the time being as aforesaid, and in all time thereafter, be bound to furnish a Supply from the reservoirs by this Act authorized of Five million gallons of Water¹ in each working day to the several Companies named in the Schedule (A) to this Act annexed,² and to their successors in the Manufactories or Works mentioned opposite to their respective names in the said Schedule, or in adjoining grounds now belonging to them respectively, or which may be acquired by any of them for the purpose of extending or improving their respective Works, to be delivered to and among them in the proportions stated opposite to their respective names in the said Schedule, and at the time or times in each day when the

Supply of
Water to
Owners and
Occupiers of
Works.

same may be necessary, provided that such Supply shall never be drawn by the said companies, or any of them, at a rate exceeding what would correspond with the delivery of the whole specified daily quantity in Ten hours; and the said companies and their successors as aforesaid shall severally pay to the Commissioners, for and in respect of the Supply so furnished to them respectively, any rates which may from time to time be fixed by the Commissioners, not exceeding Five shillings and sixpence for every One hundred thousand gallons of Water delivered.³

¹ By the Amendment Act, 1879, section 18 (p. 114) this quantity was reduced to 2985 gallons.

² This schedule was amended by section 16 of the Amendment Act, 1879, p. 113.

³ The provisions of this section were further amended by sections 19 and 20 of the Amendment Act, 1879, p. 114.

Payment for
Water, and
Distribution
of Water not
taken.

XXIII. The several companies named in the Schedule (A) to this Act annexed,¹ and their respective successors, being the owners or occupiers for the time being of the manufactories and works therein mentioned, whether they actually take the quantities of Water stated opposite to their several names in the said schedule or not, shall each severally be bound (subject to the proviso herein-after contained) to pay to the Commissioners, in respect of the said several quantities of Water, the rate herein-before specified, for a period of Fifteen years from the commencement of the supply of Water to their respective manufactories and works under the provisions of this Act,² or from the time when the said supply shall be tendered, and so long after the expiration of the said period of Fifteen years as they continue to take such supply: Provided always, that if any one or more of the companies named in the said Schedule shall at any time discontinue to take and use, in whole or in part, the quantity of Water to be furnished to them respectively as herein-before provided, or if their right to demand a supply shall at any time be forfeited as herein-after provided,³ the quantity which may be so discontinued to be taken and used, or the supply so forfeited, shall, as often as the case may arise, devolve upon and belong to the remaining companies named in the said Schedule, and shall be allocated and distributed by the Commissioners to and among them in proportion to the quantities stated opposite to their respective names in the said Schedule; and the companies to whom such additional supply is allocated, and by whom the same has been accepted, shall pay therefor, in lieu of the company originally entitled to the same, at the rate not exceeding Five shillings and sixpence per One hundred thousand gallons, to be from time to time fixed by the Commissioners as aforesaid: Provided

also, that so soon as the supply of Water furnished under the immediately preceding Section, or from time to time allocated under this Section to and accepted by any one or more of the companies named in the said Schedule, or their successors as aforesaid, shall amount to the quantities stated opposite to their respective names in the Schedule (B) to this Act annexed,⁵ the right of such company to any further supply out of the said Five million gallons of Water shall cease and determine.⁶

¹ As amended by section 16 of the Amendment Act, 1879, p. 113.

² As amended by section 20 of the Amendment Act, 1879, p. 114.

³ See section 27 of this Act.

⁴ Subsequent to the passing of the Amendment Act, 1879 (p. 105), Messrs. Donald Matheson and Co. and John Bartholomew and Co. intimated their intention not to take the quantities of water allocated to them in schedule A. These quantities were accordingly offered to the other Companies entitled thereto. The whole quantity surrendered by Messrs. Matheson and Co. (290,000 gallons) was accepted by several of the Companies to whom the same was offered. Of the quantity surrendered by Messrs. Bartholomew and Co. (538,000 gallons) only 1135 gallons were accepted, so that the remaining 536,865 gallons have reverted to the Commissioners.

⁵ As amended by section 17 of the Amendment Act, 1879, p. 113.

⁶ The provisions of this section were further amended by sections 19 and 20 of the Amendment Act, 1879, p. 114.

XXIV. On the completion of the said reservoir, pumping station, and conduit first, fourth, and fifth before described being certified by the Lord Provost of Glasgow for the time being as aforesaid, and in all time thereafter, the Commissioners shall further be bound to furnish to the companies named in the Schedule (A) to this Act annexed,¹ or their successors in the Manufactories or Works mentioned opposite to their respective names in the said Schedule, or in such adjoining grounds as aforesaid, in the proportions stated opposite to their several names in the said Schedule, such Additional Supply of Water as may be required by the said companies, or any of them, not exceeding in the aggregate One million gallons per day;² and the said companies and their successors as aforesaid shall severally pay to the Commissioners for and in respect of the proportion of the last-mentioned Supply of Water taken and used by them respectively, any rates which may from time to time be fixed by the Commissioners, but not exceeding the minimum rate charged at the time for a Supply of Water to other persons or companies from the reservoirs by this Act authorized:³ Provided always, that if any one or more of such companies shall not within one year after the completion of the said reservoir, pumping station, and conduit first, fourth, and fifth before described is certified as aforesaid,

Additional
Supply of
Water to
Owners and
Occupiers of
Works named
in Schedule
(A).

Proviso as
to Companies
named in
Schedules (A)
and (C).

require to be furnished with their proportion of such last-mentioned Supply, or having made such requisition, shall at any time discontinue to take or use the same in whole or in part, or if the right of any of such companies shall be forfeited, as herein-after provided,⁴ the quantity which may be so discontinued to be taken and used or forfeited shall, as often as the case may arise, devolve upon and belong to the remaining companies named in the said Schedule, and shall be allocated to and distributed among them in proportion to the quantities stated opposite to their respective names in the said Schedule: Provided also, that all the companies named in the said Schedule, or in the Schedule (C) to this Act annexed, and their successors in the several Manufactories and Works therein specified, may continue, after the removal of the said weir, to draw Water for their Manufactories and Works directly from the river as theretofore, so far as their doing so may not interfere with the rights and interests of the navigation of the river.⁵

¹ As amended by section 16 of the Amendment Act, 1879, p. 113.

² By the Amendment Act, 1879, section 18 (p. 114), this quantity was reduced to 597,000 gallons per day. By Agreement between the Commissioners and Messrs. John Robertson and Co., Limited, of date 21st and 29th January, 1878, the latter, both in their own right and as successors of Messrs. J. and W. I. Scott and Co., renounced all claim to any share of this additional supply.

³ The maximum rate to be charged for the water furnished under this section was fixed at 12/6 per 100,000 gallons, or such lower price as might be charged by the Commissioners to third parties. See article 2 of Agreement with Messrs. H. Monteith and Co. and others. Appendix, p. 218.

⁴ See section 27 of this Act.

⁵ The provisions of this section were further amended by sections 19 and 20 of the Amendment Act, 1879, p. 114.

Payment of
Expense of
Alteration of
Pipes.

XXV. On the day when the removal of the said weir and lock shall be commenced, the Commissioners shall pay or procure to be paid to the persons and companies named in the Schedule (C) to this Act annexed, the sum of Five thousand Pounds which sum shall be divided among the said persons and companies in the proportion stated opposite to their several names in the said Schedule;¹ and in respect of the payment of the said sum, and of the provisions herein-before contained for the supply of water from the river, all claims of the persons and companies named in the several Schedules to this Act annexed, on account of the Expenditure requisite for Alteration of their Pipes, Pumps, Engines, and Machinery, and for maintaining their supply of water in as complete a state as before such removal, shall be and are hereby extinguished.

¹ This sum of £5000 was duly paid over to the several persons and Companies here referred to, or their representatives, in the proportions stated in said schedule.

XXVI. The Distributing Pipes, or Pipes connecting the Mains of the Commissioners, as laid down on the said deposited Plans, with the manufactories or works of the several companies named in the Schedule (A) to this Act annexed,¹ shall be furnished and laid down by the Commissioners, at the expense of the said companies respectively, within Three months after the completion of the said reservoir, pumping station, and conduit first, fourth, and fifth before described is certified as aforesaid, unless in any case the company for whose manufactory or work any such Distributing or Connecting Pipe is intended shall intimate to the Commissioners that they do not desire the same to be furnished and laid down; and in the event of any difference with respect to the amount of the expense of furnishing and laying down any such Distributing or Connecting Pipe, or with respect to the maintenance thereof, the same shall, on the application of the Commissioners or of any of the said companies, be determined by the Sheriff of Lanarkshire, whose decision shall be final; and such Distributing or Connecting Pipes shall thereafter be maintained at the expense of the said companies respectively; but the Meters to be attached to each of the Pipes leading into the respective manufactories or works shall be provided and maintained at the expense of the Commissioners, and for and in respect of the use of such Meters, the said companies shall pay Ten Pounds per *centum* per annum on the cost of their respective Meters.

Distributing
Pipes and
Meters.

¹ As amended by section 16 of the Amendment Act, 1879, p. 113.

XXVII. The Rates for supplies of water to be furnished for trading and manufacturing purposes under the recited Acts¹ and this Act shall be payable Quarterly, according to the actual quantities used as indicated by meter, at the terms of Whitsunday, Lammas, Martinmas, and Candlemas, commencing the first payment for supplies to be furnished under the provisions of this Act at the first of these terms which shall occur after such supplies shall commence to be furnished or be tendered as aforesaid for the period preceding that term, and thereafter Quarterly; and in the event of the refusal or delay of any person or company to pay for the same at the said respective terms and within Fourteen days after the same shall have been demanded by notice and account transmitted to them by the Treasurer, the Commissioners may cut off and withhold further supplies until payment be made of the said Rate, with the addition of Ten per cent. on the amount thereof as costs, together with the expense of cutting off and afterwards restoring the supply; and the said rates shall form preferable claims on the estates of the persons or companies by whom the same are due:

Rates to
be paid
Quarterly

Provided, that in the event of any of the said persons or companies failing to take supplies of water from the said reservoirs for a period of Twelve months, their right to demand a supply of water from the said reservoirs shall in the option of the Commissioners be forfeited, and shall cease and determine, without prejudice always to the respective liabilities of such parties under the provisions of this Act.

¹ See section 22 of the Amendment Act, 1879 (p. 115), which repealed and re-enacted section 87 of the Act of 1855, p. 30.

Recovery of Rates.

XXVIII. The Rates payable for water supplied under the provisions of this Act may be sued for and recovered by the Commissioners in the same manner as Rates imposed and levied under the provisions of the recited Acts or any of them may be sued for and recovered; and the provisions of the recited Acts¹ with respect to the Recovery of the Rates thereby authorized shall be applicable to the Rates payable under this act, in the same manner as if such Rates had been authorized by the recited Acts.

¹ These provisions are contained in sections 106 to 108 of the Act of 1855 (pp. 37 and 38), section 16 of the Amendment Act, 1859, (p. 51), and sections 10 and 11 of the Amendment Act, 1865, p. 64.

Separate Account to be kept by Treasurer.

XXIX. The Treasurer shall keep a separate Account, to be called the "River Supply Account," of all moneys received and paid under the powers and provisions of this Act; and all rates or other moneys received by the Commissioners or the Treasurer under the provisions of this Act, shall be carried to the credit of the said Account; and the said Account shall be kept and balanced along with and at the same time as the *Glasgow* Water Account is directed to be kept and balanced by "The *Glasgow* Corporation Waterworks Act, 1855;"¹ and any surplus that may appear on the said Account in any year shall be applied to the reduction of the rates leviable under the authority of the recited Acts and this Act.

¹ See section 10 of this Act (p. 6), and sections 14 and 15 of the Amendment Act, 1859, p. 51.

Bye-laws with respect to Supply of Water.

XXX. The Twenty-first Section of "The *Glasgow* Corporation Waterworks Amendment Act, 1865," is incorporated with and forms part of this Act, and the Commissioners may make Bye-laws for regulating all or any matters and things whatsoever connected with the Supply of Water under the provisions of this Act, and for the prevention of waste, misuse, or undue consumption of Water so supplied, in the manner and under the penalties specified in the said Section.

No such byelaws have yet been enacted by the Commissioners, but certain rules and regulations have been made with regard to several of the matters and things referred to in this section. See also sect. 96 of "The Waterworks Clauses Act 1847" and notes thereon. Appendix, p. 144.

XXXI. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the Commissioners to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description belonging to the Queen's most excellent Majesty in right of Her Crown, without the consent in writing of the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorized to give); neither shall anything in the said Act or Acts contained, extend to, take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in, or enjoyed, or exerciseable by the Queen's Majesty, her heirs or successors.

Saving
Rights of the
Crown.

XXXII. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid by the Commissioners out of the Rates to be levied or the Money to be borrowed under the authority of the recited Acts and this Act.

Expenses
of Act.

SCHEDULES REFERRED TO IN THIS ACT.

SCHEDULE (A).¹

Names of Persons and Companies.	Names of Works.	Apportionment of 5,000,000 Galls.
Henry Monteith & Co., . .	Barrowfield,	1,225,000
Fleming, Watson, & Nairn, .	Adelphi Dye Works, . .	570,000
Alexander Harvey & Son, . .	Govanhaugh Dye Works, .	180,000
Charles Todd & Higginbotham, .	Springfield,	1,325,000
Stewart & Brown,	Glasgow Paper Mills, . .	210,000
Donald Matheson & Co., ² . .	Govancroft Dye Works, .	200,000
J. & W. I. Scott & Co., . . .	John Street Mills, . . .	350,000
John Bartholomew & Co., ³ . .	Dalmarnock Dye Works, .	538,000
J. R. Cochran & Co.,	Albyn Mills,	95,000
Forrest, Frew & Co.,	Rutherglen Bridge Works, .	20,000
James Paterson & Co.,	Newhall Street Factory, .	6,000
John Robertson & Co.,	Newhall Factory,	30,000
G. & A. Harvey,	Albion Machine Works, . .	6,000
John Somerville & Sons, . . .	Nursery Cotton Factory, .	30,000
J. I. Cochran & Co.,	Wellington Mills,	15,000
P. & W. McLellan,	Clutha Iron Works, . . .	10,000
		5,000,000

500000
180000

130000

¹ This schedule was amended by section 16 of the Amendment Act, 1879, see p. 113.

² and ³ See note (4) to section 23 of Act of 1866, p. 81.

SCHEDULE (B).¹

Names of Persons and Companies.	Names of Works.	Scale of Allocation of Water.
Henry Monteith & Co., . .	Barrowfield,	1,000,000
Fleming, Watson & Nairn, .	Adelphi Dye Works, . .	600,000
Alexander Harvey & Son, .	Govanhaugh Dye Works,	250,000
Charles Todd & Higginbotham,	Springfield,	1,800,000
Stewart & Brown,	Glasgow Paper Mills, . .	300,000
Donald Matheson & Co., . .	Govancroft Dye Works,	400,000
J. & W. I. Scott & Co., . .	John Street Mills, . .	400,000
John Bartholomew & Co., .	Dalmarnock Dye Works,	800,000
J. R. Cochran & Co., . . .	Albyn Mills,	250,000
Forrest, Frew & Co., . . .	Rutherglen Bridge Works,	26,000
James Paterson & Co., . . .	Newhall Street Factory,	8,000
John Robertson & Co., . . .	Newhall Factory, . . .	40,000
G. & A. Harvey,	Albion Machine Works,	8,000
John Somerville & Sons, . .	Nursery Cotton Factory,	40,000
J. I. Cochran & Co., . . .	Wellington Mills, . . .	20,000
P. & W. M'Lellan,	Clutha Iron Works, . .	14,000

¹ This schedule was amended by section 17 of the Amendment Act, 1879, see p. 113.

SCHEDULE (C).

Names of Persons and Companies.	Names of Works.	Apportionment of £5,000.
		£ s. d.
Forrest, Frew & Co.,	Rutherglen Bridge Works,	405 14 1
James Paterson & Co.,	Newhall Street Factory,	164 9 6
John Robertson & Co.,	Newhall Factory,	932 0 5
G. & A. Harvey,	Albion Machine Works,	191 17 9
John Somerville & Sons,	Nursery Cotton Factory,	438 11 11
J. I. Cochran & Co.,	Wellington Mills,	323 9 3
P. & W. M'Lellan,	Clutha Iron Works,	411 3 8
John Arthur,	Commercial Road Mills,	137 1 2
Thom & Maclure,	Commercial Road Mills,	186 8 1
William Miller & Sons,	Springfield,	603 1 5
Muir, Brown & Co.,	Strathclyde,	383 15 5
Charles Todd & Higginbotham,	Commercial Road Weaving Factory,	219 5 11
J. & J. White,	Shawfield, Clyde Bank, and Clyde Ford Chemical Works,	603 5 1
		5,000 0 0

NOTE.—Certain Agreements were entered into between the Commissioners and several of the Persons and Companies named in the foregoing schedules with reference to the Amendment Act of 1866, and these will be found in the Appendix, p. 217.

VI.

AN

ACT

To extend the time for the construction of Works authorised by "The Glasgow Corporation Waterworks Amendment Act, 1866," and to abandon part of the Works; and for other purposes.

36 VICTORIÆ, CAP. 36.

[*Royal Assent, 26th May, 1873.*]

WHEREAS by "The Glasgow Corporation Waterworks Act, 1855," the Magistrates and Council of the City of Glasgow were appointed Commissioners for carrying into effect the purposes of the said Act, and were authorised to purchase and acquire the Glasgow Waterworks and the Gorbals Gravitation Waterworks, and to introduce an additional supply of water from Loch Katrine, and to supply with water the said city and suburbs thereof, and districts and places adjacent:

And whereas the Commissioners purchased and acquired the undertakings of the Glasgow Waterworks Company and the Gorbals Gravitation Water Company; and the whole waterworks, property, rights, and privileges of the said Companies were transferred to and vested in the Commissioners:

And whereas further powers were granted to the Commissioners by "The Glasgow Corporation Waterworks Amendment Act, 1859," "The Glasgow Corporation Waterworks Amendment Act, 1860," "The Glasgow Corporation Waterworks Amendment Act, 1865," and "The Glasgow Corporation Waterworks Amendment Act, 1866:"

And whereas by "The Glasgow Corporation Waterworks Amendment Act, 1866," (herein-after termed "the Act of 1866,") the Commissioners were authorised to construct the reservoirs, pumping station, and conduits or main pipes therein described, for the purpose of supplying water for trading or manufacturing purposes to the owners and occupiers of manufactories and other works; but the said reservoirs, pumping station, and conduits or main pipes have not been constructed, and the time limited for the completion thereof

will expire on the sixth day of August one thousand eight hundred and seventy-three:

And whereas it is expedient that the time limited by the Act of 1866 for the construction of the works thereby authorised, with the exception of the portion of the said works which is to be abandoned as herein-after provided, should be extended, and that further provision should be made for the prevention of waste and misuse of the water supplied by the Commissioners, and that the recited Acts should be amended:

And whereas these objects cannot be effected without the authority of Parliament:

MAY IT THEREFORE PLEASE YOUR MAJESTY

that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

I. This Act may be cited as "The Glasgow Corporation Waterworks Amendment Act, 1873."

Interpretation
of terms.

II. The several words and expressions interpreted in the first-recited Act, and the Acts incorporated therewith,¹ shall, when used in this Act, have the same meanings as are by the said Acts assigned to them respectively; the word "person" in the recited Acts and this Act includes "Company;" and the word "apparatus" in this Act means and includes pipe, cistern, bath, watercloset, ballcock, stopcock, valve, and other articles used in the supply or storing of water in houses or premises.

¹ See sections 2, 3, 4 and 5 of the Act of 1855, pp. 3 and 4.

Time for com-
pletion of
works ex-
tended.

III. The time limited by the Act of 1866 for the completion of the works thereby authorized, with the exception of the portion of conduit or main pipe to be abandoned as herein-after provided, is hereby extended to four years from the passing of this Act¹ as regards the reservoir for Low Level District, pumping station therefor, and conduit first, fourth, and fifth described in the Act of 1866, and to five years from the passing of this Act² as regards the remaining works described in the said Act; and the Commissioners are hereby required within the said period of four years to complete the said reservoir for Low Level District, pumping station therefor, and conduit first, fourth, and fifth described in the Act

of 1866, and by means thereof to furnish a supply of water to the parties entitled thereto under the Act of 1866.

¹ That is, till 26th May, 1877 ; but see provisions of the Amendment Act, 1879, p. 105.

² That is, till 26th May, 1878 ; but see provisions of the Amendment Act, 1879, p. 105.

IV. The Commissioners shall abandon the construction of the portion of the conduit or main pipe authorised by the Act of 1866 and seventh described in section thirteen thereof, extending from the point where the said conduit or main pipe as authorised would have crossed the road commonly called Springfield Road, leading from the Dalmarnock Road to London Road past Springfield Print and Dye Works and Springbank to the termination of the said conduit or main pipe in the London Road near Newfield House in the city o Glasgow.

V. The abandonment by the Commissioners under the authority of this Act of any portion of any works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Commissioners on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line of the work, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Commissioners to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the Act of 1866.

VI. Where, before the passing of this Act, any contract may have been entered into or notice given by the Commissioners for the purchase of any land for the purposes of or in relation to any portion of the work authorised to be abandoned by this Act, the Commissioners shall be released from all liability to purchase or to complete the purchase of any such land ; but notwithstanding, full compensation shall be made by the Commissioners to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice ; and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845," as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Transfer of
parts of annu-
ties and regis-
tration of
transfers.

VII. The provision in section sixteen of "The Glasgow Corporation Waterworks Amendment Act, 1865," that the Commissioners shall not be bound to enter in the register of transfers kept by them any transfer of a part only of any annuity granted under the authority of the first-recited Act is hereby repealed; and any such annuity may be transferred or transmitted in such parts or amounts, excluding fractions of a penny, as the holder thereof may think fit; and the transfers and transmissions of such parts or amounts of any such annuity shall be entered in the register of transfers of Glasgow Corporation Waterworks Annuities, in pursuance of the provisions of the recited Acts and this Act.

Supply of
water by
measure.

VIII. The Commissioners may supply water for other than domestic purposes by measure;¹ and may also, if they think fit, enter into agreements for the supply of water to any corporation, local authority, or water supply district within the limits of the first-recited Act either for domestic or other purposes, and by measure or otherwise;² but nothing shall be done under this section which shall interfere with a proper supply of water for domestic purposes within the limits of the first-recited Act for the compulsory supply of water, nor shall anything herein contained be held to repeal or affect section thirteen of "The Glasgow Corporation Waterworks Amendment Act, 1865."

¹ See also sections 14 and 15 of the "Waterworks Clauses Act, 1863" (Appendix, p. 174), for power of Commissioners to let meters for hire, &c.

² Prior to the passing of this Act the Commissioners had entered into contracts with the Burgh of Rutherglen and various other local authorities for the supply of water within their districts upon certain terms and conditions. The opinion of Counsel (Mr. J. H. Lloyd) having, in 1870, been taken in regard to the validity of these contracts, they were held to be *ultra vires* of the Commissioners, and intimation to this effect was thereupon made to the several parties interested. Express power was then taken by this section to make such contracts; and since this power was obtained the following agreements have been entered into:—

(a) Agreements with the Barony Parish Parochial Board as the Local Authority for "The Hogganfield Water Supply District" and "The Springburn Water Supply District," dated respectively 9th and 12th July, 1877; and

(b) Agreement with the Cadder Parish Parochial Board as the Local Authority for "The Bishopbriggs and Auchinairn Water Supply District," dated 28th March and 11th April, 1881.

Supply of
water may be
cut off if appa-
ratus defec-
tive.

IX. If the apparatus¹ in any house or premises be out of repair or be so used or contrived as that the water supplied by the Commissioners is or is likely to be wasted, misused, unduly consumed, or contaminated, it shall be lawful for the

Commissioners (without prejudice to any other remedy in respect thereof) to cut off, shut off, or lock up such apparatus, or the communication or service pipe leading thereto, and to cease to give a supply of water to such house or premises so long as the defect or cause of damage remains or is not remedied.²

¹ For definition of word "Apparatus" see section 2 of this Act.

² See also provisions of sections 55 and 56 of "The Waterworks Clauses Act, 1847" (Appendix, p. 165), and sections 16 and 17 of "The Waterworks Clauses Act, 1863" (Appendix, pp. 174 and 175).

X. It shall not be lawful for the owner or occupier of any house or premises supplied with water by the Commissioners, without their written consent, to affix or permit or suffer to be affixed any tube or hose to any of the mains or pipes of the Commissioners, or to any service pipe or apparatus of such owner or occupier, for the purpose of washing horses, carriages or other vehicles, windows, and houses or buildings, or for watering gardens, or washing pavements or roads, or for any other purpose; and any person who contravenes this enactment shall be guilty of an offence, and shall for every such offence forfeit and pay to the Commissioners a penalty not exceeding five pounds.

See also section 19 of "The Waterworks Clauses Act, 1863," Appendix, p. 175.

XI. Section eighteen of "The Glasgow Corporation Waterworks Amendment Act, 1859," is hereby repealed.

Sect. 18 of Act of 1859 repealed.

XII. If any apparatus shall be out of order, the owner or occupier of the house or premises in or to which such apparatus is placed or attached shall be bound to repair and make good the same; and if such owner or occupier fail to make the requisite repairs within twenty-four hours after notice in writing so to do, the Commissioners may by their engineer repair, renew, and make water-tight all such apparatus;¹ and the Commissioners shall be entitled to recover from the owner or occupier so failing the cost of such repair or renewal, together with any penalty which may have been incurred for wilful waste of water, or for suffering such apparatus to be out of repair, by summary application to the magistrates or sheriff in the same manner as is provided by the recited Acts, or any of them, with respect to the recovery of rates for supplies of water for purposes not domestic.²

Commissioners may repair apparatus on failure by owner or occupier.

¹ See also provisions of section 56 of "The Waterworks Clauses Act, 1847" (Appendix, p. 165), and sections 16 and 17 of "The Waterworks Clauses Act, 1863," Appendix, pp. 174 and 175.

² See section 16 of the Amendment Act, 1859, and notes thereon, p. 51.

Service of
summonses.

XIII. Any summons relating to any rates or charges leviable under the recited Acts may be served by being delivered at the office or place of business or residence of the person against whom such summons is raised, or if such office or place of business or residence is not known, such summons may be served by being left at the premises in respect of which the rates or charges are leviable.

Registrar may
be appointed.

XIV. The Commissioners may from time to time appoint a registrar, who shall have the powers and perform the duties conferred on and appointed to be performed by the clerk or by the treasurer of the Commissioners respectively under the provisions of the recited Acts, or any of them, or "The Commissioners Clauses Act, 1847," with respect to keeping the registers of Glasgow Corporation Waterworks Annuities and of mortgages and of funded debt; and the registers of transfers of such annuities, mortgages, and funded debt; and the clerk or treasurer may be appointed registrar if the Commissioners think fit.

Reserve fund
may be applied
in redemption
of mortgages
or annuities.

XV. The Commissioners may from time to time apply the whole or any part of the reserve fund set apart and accumulated under the provisions of the recited Acts,¹ in so far as not required or applied to meet contingencies, in the redemption of mortgages or annuities granted or to be granted by them; and such redemption shall be in addition to and not in substitution for the sinking fund provided by the recited Acts.²

¹ See section 20 of the Amendment Act of 1865, p. 68.

² See section 119 of the Act of 1855 (p. 43), and note (1) thereon.

Expenses of
Act.

XVI. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Commissioners out of the rates to be levied or the money to be borrowed by them under the authority of the recited Acts, or any of them.

VII.

AN

ACT

To authorize the Commissioners of the Glasgow Corporation Waterworks to raise a further Sum of Money; to construct additional works and acquire additional lands; and for other purposes.

40 & 41 VICTORIE, CAP. 165.

[*Royal Assent, 2nd August 1877.*]

WHEREAS by "The Glasgow Corporation Waterworks Act, 1855," (hereinafter called the Act of 1855,) the Magistrates and Council of the City of Glasgow were appointed Commissioners for carrying into effect the purposes of the said Act, and were authorized to purchase and acquire the Glasgow Waterworks and the Gorbals Gravitation Waterworks, and to introduce an additional supply of water from Loch Katrine, and to supply with water the said City and suburbs thereof and districts and places adjacent :

And whereas the Commissioners purchased and acquired the undertakings of the Glasgow Waterworks Company, and the Gorbals Gravitation Water Company, and the whole waterworks, property, rights, and privileges of the said Companies were transferred to and vested in the Commissioners :

And whereas further powers were granted to the Commissioners by "The Glasgow Corporation Waterworks Amendment Act, 1859," (herein-after called the Act of 1859,) "The Glasgow Corporation Waterworks Amendment Act, 1860," (herein-after called the Act of 1860,) "The Glasgow Corporation Waterworks Amendment Act, 1865," (herein-after called the Act of 1865,) "The Glasgow Corporation Waterworks Amendment Act, 1866," (herein-after called the Act of 1866,) and "The Glasgow Corporation Waterworks Amendment Act, 1873," (herein-after called the Act of 1873) :

And whereas in consequence of the great increase in the trade and population of the districts forming the water limits of the Commissioners it has become necessary to con-

struct further and additional works and conveniences to afford an increased supply of water, and to provide for the efficient distribution to those districts, and to construct the road of access herein-after described :

And whereas it is expedient that for the purpose of their undertaking the Commissioners should be authorized to construct the additional works and to acquire the lands herein-after referred to :

And whereas for these purposes and the general purposes of their undertaking, and to enable the Commissioners to bring in the whole 50,000,000 gallons a day authorized by the Act of 1855, it is expedient that the Commissioners should be authorized to borrow an additional sum of money :

And whereas plans and sections showing the lines, situation, and levels of the works authorized by this Act, and the lands and property to be acquired compulsorily under the authority of this Act, and a book of reference thereto containing the names of the owners or lessees, or reputed owners or lessees, and of the occupiers of such lands and property, have been deposited with the principal sheriff clerk of the county of Renfrew (which are in this Act referred to as the deposited plans, sections, and book of reference) :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be Enacted ; and be it Enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short Title.

I. This Act may be cited as "The Glasgow Corporation Waterworks Amendment Act, 1877," and this Act and the Act of 1855, the Act of 1859, the Act of 1860, the Act of 1865, the Act of 1866, and the Act of 1873, may be cited together as the Glasgow Corporation Waterworks Acts, 1855, 1859, 1860, 1865, 1866, 1873, and 1877, and the recited Acts and this Act, except in so far as the former are altered or amended by any subsequent Act or by this Act, shall be read as one Act.

Interpretation of terms.

II. The several words and expressions interpreted in the Act of 1855 and the Acts therewith incorporated¹ shall, when used in this Act, have the same meanings as are by the Act of 1855 and the said Acts assigned to them respectively.

¹ See sections, 2, 3, 4, and 5 of the Act of 1855, pp. 3 and 4.

III. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Waterworks Clauses Act, 1847," (with the exception specified in section 5 of the Act of 1855),¹ "The Waterworks Clauses Act, 1863," and the sections and provisions of "The Railways Clauses Consolidation (Scotland) Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof,² are (except when expressly varied and inconsistent with this Act) incorporated with and form part of this Act: Provided as regards the last-mentioned Act that the said sections and provisions shall be read as if "the works" were therein mentioned instead of "the railway," and "the boundaries of the works" instead of "the centre of the railway," and "the Commissioners" instead of "the Company," and the "prescribed limits" shall be fifty yards.

¹ See section 5 of the Act of 1855, p. 4.

² See sections 25 to 37 of this Act, Appendix, pp. 177 to 181.

IV. The sections of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners,¹ are hereby incorporated with and form part of this Act, and shall be applicable to the mortgages to be granted under the authority of this Act in the same manner as the said sections are applicable to the mortgages granted or to be granted under the authority of the recited Acts.

¹ See sections 75 to 88 inclusive of "The Commissioners Clauses Act, 1847," Appendix, pp. 138 to 142.

V. In addition to the sum of one million four hundred thousand pounds authorized to be borrowed by the recited Acts, the Commissioners may from time to time borrow on mortgage any sums not exceeding in the whole four hundred and fifty thousand pounds, and may make and grant mortgages and assignments of the several rates and charges to be levied by them under the provisions of the recited Acts, in security of the payment of the money so borrowed, and interest thereon.

VI. If the Commissioners after the date of the passing of this Act pay off otherwise than by means of the sinking fund (provided by the Act of 1855,¹ and by this Act made applicable to the money hereby authorized to be borrowed) any of the moneys borrowed by them under the recited Acts or this Act, it shall be lawful for them again to borrow the amount so paid off, and so from time to time, and they

Certain provisions of general Acts herein-named incorporated.

Incorporating provisions of Commissioners Clauses Act

Power to borrow on mortgage.

Provisions as to future borrowing by the Commissioners.

may make and grant mortgages and assignments of but limited to the several rates and charges to be levied by them under the provisions of the recited Acts, in security of the moneys so borrowed, and interest thereon.

¹ See section 119 of the Act of 1855, p. 43.

Form of mortgages.

VII. Every mortgage and assignment to be granted by the Commissioners after the date of the passing of this Act shall be by deed duly stamped, and may be partly in writing and partly printed, and shall be subscribed by at least two Commissioners and the treasurer at a meeting of the water committee of the Commissioners, and shall be in the form of the Schedule A. to this Act annexed.

Commissioners may borrow on cash account.

VIII. The Commissioners may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners, according to the usage of bankers in Scotland, to the extent of the sum which the Commissioners are authorized to borrow as aforesaid, or any part thereof, and, if required, to make and grant mortgages and assignments of the several rates to be levied and charges to be made by them under the provision of the recited Acts, or any of them, and this Act, in security of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon: Provided that the whole sum due and owing by the Commissioners on such cash account and for money borrowed by them on bonds, or on mortgages or assignments, shall not when taken together exceed the sum of one million eight hundred and fifty thousand pounds by the recited Acts and this Act authorized to be borrowed.

Application of money borrowed.

IX. The sums to be borrowed by the Commissioners under the authority of this Act shall be applied in defraying the cost of constructing the works by this Act authorized, and of acquiring the lands to be taken for the purposes thereof, and in carrying into effect the purposes of the recited Acts and this Act.

Debt may be funded.

X. Section 116 of the Act of 1855 shall be read and have effect as if the words "the property and works vested in and to be acquired or constructed by the Commissioners in virtue of this Act" were omitted therefrom, and the Commissioners may fund the whole or any part of the sums to be raised on mortgage under the authority of this Act or the recited Acts, under the powers and provisions, with the

rights and privileges, and subject to the restrictions and conditions which are contained in sections 112 to 116, both inclusive, of the Act of 1855 as amended by this Act.¹

¹ See these sections and notes thereon, pp. 40 and 41.

XI. Sections 117, 118, and 119 of the Act of 1855,¹ and section 20 of the Act of 1865,² with respect to the appointment, powers, and duties of a judicial factor, and the sinking fund to be set apart for the redemption of mortgages and annuities, shall be and are hereby made applicable to the money to be borrowed, and the mortgages and assignations in security to be granted under the authority of this Act, in the same manner as if the money to be borrowed under the authority of this Act had been borrowed under the authority of the recited Acts, or any of them.

Provisions as to judicial factor and sinking fund to be applicable to this Act.

¹ See these sections and notes thereon, pp. 41, 42 and 43.

² See this section and notes thereon, p. 68.

XII. Nothing in this Act contained shall prejudice any bonds, annuities, debentures, mortgages, or assignations in security granted by the Commissioners under the authority of the recited Acts, or any of them, and subsisting at the date of the passing of this Act, and such bonds, annuities, debentures, mortgages, and assignations shall be and remain in full force, and as valid and effectual in all respects as if this Act had not been passed.

Saving existing annuities and securities.

XIII. Sections 10 to 13, both inclusive, of the Act of 1859,¹ and sections 14 and 15, and section 16 (as amended by the Act of 1873), and sections 17 to 19, both inclusive, of the Act of 1865,² and section 7 of the Act of 1873,³ with respect to the execution, transfer, transmission, and discharge of mortgages granted under the authority of the recited Acts, shall be and are hereby made applicable to the money to be borrowed, and the mortgages and assignations in security to be granted under the authority of this Act, in the same manner as if the money to be borrowed and the mortgages and assignations in security to be granted under the authority of this Act had been borrowed or granted under the authority of the recited Acts, or any of them.

Provisions as to transfer and discharge of mortgages to be applicable to this Act.

¹ See these sections at pp. 49 and 50.

² See these sections and notes thereon, pp. 66 and 67.

³ See this section at p. 90.

XIV. Subject to the provisions of this Act, the Commissioners may make and maintain, in the lines and according to the levels described in the said deposited plans and sections, the conduits or lines of pipes, filtering beds, tanks, and

Power to make works according to deposited plan.

may make and grant mortgages and assignments of but limited to the several rates and charges to be levied by them under the provisions of the recited Acts, in security of the moneys so borrowed, and interest thereon.

¹ See section 119 of the Act of 1855, p. 43.

Form of
mortgages.

VII. Every mortgage and assignment to be granted by the Commissioners after the date of the passing of this Act shall be by deed duly stamped, and may be partly in writing and partly printed, and shall be subscribed by at least two Commissioners and the treasurer at a meeting of the water committee of the Commissioners, and shall be in the form of the Schedule A. to this Act annexed.

Commis-
sioners may
borrow on
cash account.

VIII. The Commissioners may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners, according to the usage of bankers in Scotland, to the extent of the sum which the Commissioners are authorized to borrow as aforesaid, or any part thereof, and, if required, to make and grant mortgages and assignments of the several rates to be levied and charges to be made by them under the provision of the recited Acts, or any of them, and this Act, in security of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon: Provided that the whole sum due and owing by the Commissioners on such cash account and for money borrowed by them on bonds, or on mortgages or assignments, shall not when taken together exceed the sum of one million eight hundred and fifty thousand pounds by the recited Acts and this Act authorized to be borrowed.

Application
of money
borrowed.

IX. The sums to be borrowed by the Commissioners under the authority of this Act shall be applied in defraying the cost of constructing the works by this Act authorized, and of acquiring the lands to be taken for the purposes thereof, and in carrying into effect the purposes of the recited Acts and this Act.

Debt may be
funded.

X. Section 116 of the Act of 1855 shall be read and have effect as if the words "the property and works vested in and to "be acquired or constructed by the Commissioners in virtue of this Act" were omitted therefrom, and the Commissioners may fund the whole or any part of the sums to be raised on mortgage under the authority of this Act or the recited Acts, under the powers and provisions, with the

rights and privileges, and subject to the restrictions and conditions which are contained in sections 112 to 116, both inclusive, of the Act of 1855 as amended by this Act.¹

¹ See these sections and notes thereon, pp. 40 and 41.

XI. Sections 117, 118, and 119 of the Act of 1855,¹ and section 20 of the Act of 1865,² with respect to the appointment, powers, and duties of a judicial factor, and the sinking fund to be set apart for the redemption of mortgages and annuities, shall be and are hereby made applicable to the money to be borrowed, and the mortgages and assignments in security to be granted under the authority of this Act, in the same manner as if the money to be borrowed under the authority of this Act had been borrowed under the authority of the recited Acts, or any of them.

Provisions as to judicial factor and sinking fund to be applicable to this Act.

¹ See these sections and notes thereon, pp. 41, 42 and 43.

² See this section and notes thereon, p. 68.

XII. Nothing in this Act contained shall prejudice any bonds, annuities, debentures, mortgages, or assignments in security granted by the Commissioners under the authority of the recited Acts, or any of them, and subsisting at the date of the passing of this Act, and such bonds, annuities, debentures, mortgages, and assignments shall be and remain in full force, and as valid and effectual in all respects as if this Act had not been passed.

Saving existing annuities and securities.

XIII. Sections 10 to 13, both inclusive, of the Act of 1859,¹ and sections 14 and 15, and section 16 (as amended by the Act of 1873), and sections 17 to 19, both inclusive, of the Act of 1865,² and section 7 of the Act of 1873,³ with respect to the execution, transfer, transmission, and discharge of mortgages granted under the authority of the recited Acts, shall be and are hereby made applicable to the money to be borrowed, and the mortgages and assignments in security to be granted under the authority of this Act, in the same manner as if the money to be borrowed and the mortgages and assignments in security to be granted under the authority of this Act had been borrowed or granted under the authority of the recited Acts, or any of them.

Provisions as to transfer and discharge of mortgages to be applicable to this Act.

¹ See these sections at pp. 49 and 50.

² See these sections and notes thereon, pp. 66 and 67.

³ See this section at p. 90.

XIV. Subject to the provisions of this Act, the Commissioners may make and maintain, in the lines and according to the levels described in the said deposited plans and sections, the conduits or lines of pipes, filtering beds, tanks, and

Power to make works according to deposited plan.

access road herein-after described, and all approaches and other proper and necessary works and conveniences connected therewith, and may enter upon, take, and use such of the land delineated on the said deposited plans and described in the deposited book of reference as may be required for that purpose.

Description
of works.

XV. The works authorized by this Act are—

1. A conduit or line of pipes situate in the parish of Neilston, commencing by a junction with the existing pipe laid through the north-westerly embankment of the Balgray reservoir of the Commissioners, and terminating in the filter bed herein-after next described :
2. A filter bed and clear water tank situate in the parish of Neilston in a field belonging or reputed to belong to the Right Honourable the Earl of Glasgow, and in the occupation of John Imrie, farmer, Auchinback, at a point in the said field 270 yards or thereabouts, measuring in an easterly direction, from the east corner of the farmhouse of Auchinback :
3. A conduit or line of pipes commencing in the parish of Neilston, and leading out of the said clear water tank lastly herein-before described on the northern side thereof, and terminating in the Abbey Parish of Paisley at a point on the turnpike road from Thornliebank to Hurlet 100 yards or thereabouts north-west from the north-west end of the bridge carrying the railway from Glasgow by Barrhead to Kilmarnock over the said road :
4. A conduit or line of pipes commencing in the parish of Mearns by a junction with the discharge pipe laid through the embankment of the Ryat Lynn reservoir of the Commissioners at the sluice situated 436 yards or thereabouts, measuring in a north-westerly direction, from the north-west corner of the Ryat Farm Buildings, and terminating in the parish of Eastwood in the filter herein-after next described :
5. A filter bed wholly in the parish of Eastwood in a field belonging or reputed to belong to Sir William Stirling Maxwell, Baronet, of Pollock, in the occupation of James Strang, farmer, Upper Darnley, and which filter bed will be situated 200 yards or thereabouts south from the sluice keeper's house, near the existing filters of the Commissioners near Patterton, in the parish of Eastwood :

6. A conduit or line of pipes wholly in the parish of Eastwood, commencing in the said filter lastly above described on the north side thereof, and terminating in the existing clear water tanks of the Commissioners immediately north of the existing filters of the Commissioners lastly above referred to :

7. A road of access to the works of the Commissioners wholly in the parish of Eastwood, commencing at a point on the existing road of access to the Gorbals reservoirs of the Commissioners 79 yards or thereabouts, measuring in a westerly direction, from the sluice keeper's house before referred to, and terminating at a point on the private road leading to Upper Darnley farmsteading 225 yards or thereabouts, measuring in a north-westerly direction, from the north-west corner of the said farmsteading.

XVI. The Commissioners may make lateral deviations from the lines of the works by this Act authorized to any extent not exceeding the limits of lateral deviation mentioned in the deposited plans, and may make vertical deviations from the levels of the said works as defined in the said deposited sections to any extent not exceeding three feet : Provided that the powers of lateral deviation shall not be used so as to increase the height of the walls or embankments of the filter beds and tanks by this Act authorized.

Power to deviate

XVII. Subject to the provisions of this Act, the Commissioners may also enter on, take, and use such of the other lands described in the deposited plans and book of reference as they may from time to time require for the purposes of their undertaking : Provided that the said lands shall not be built over, except for purposes connected with the undertaking of the Commissioners.

Power to take other lands.

XVIII. The Commissioners shall not, without the previous consent in writing of the Caledonian Railway Company and the Glasgow and South-Western Railway Company, joint proprietors of the Glasgow and Kilmarnock joint line of railway, enter upon, take, or use under the powers of this Act any lands, works, or property in the parish of Eastwood or in the Abbey Parish of Paisley belonging to those companies, and the pipe or conduit already laid by the Commissioners under and near the bridge by which the said line of railway is carried over the road numbered 40 of the parish of Eastwood and numbered 4 of the Abbey Parish of Paisley in the deposited plans and book of reference shall be main-

For protection of Glasgow and Kilmarnock joint line of railway.

tained and repaired, and any new or additional pipe or conduit which may be laid under and near that bridge shall be made, maintained, and repaired by the Commissioners, so as to secure the said line of railway and bridge from injury, and to prevent interruption or inconvenience to the traffic on the railway.

Corrections
of errors,
omissions,
&c.

XIX. If any omission, misstatement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands described or intended to be described in the deposited plans or book of reference, the Commissioners may apply to the Sheriff for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction; and if it appears to the Sheriff that the omission, misstatement, or erroneous description arose from mistake, he shall certify the same accordingly, stating the particulars of the omission, misstatement, or erroneous description, and his certificate shall be deposited with the principal Sheriff-Clerk for the county of Renfrew, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Commissioners may enter on, take, hold, and use those lands accordingly.

Limitation of
time for com-
pulsory pur-
chases.

XX. The powers of the Commissioners for the compulsory purchase of lands, leases, and property shall not be executed after the period of three years from the passing of this Act.

Period for
completion of
works.

XXI. The works by this Act authorised shall be completed within seven years after the passing of this Act,¹ and on the expiration of that period the powers by this Act granted to the Commissioners for executing the said works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

¹ That is, by 2nd August, 1884. The whole of these works have been completed within the prescribed period.

Power to take
additional
lands by
agreement.

XXII. The Commissioners may from time to time for purposes of their undertaking purchase by agreement any lands in addition to lands which they are authorised to take by compulsion, and the Commissioners may hold the same, not exceeding in the whole at one time ten acres; provided that the said lands shall not be built over except

for purposes connected with the undertaking of the Commissioners.

XXIII. Persons empowered by "The Lands Clauses Consolidation (Scotland) Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Commissioners any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Power to take easements, &c., by agreement.

XXIV. With respect to the Post Office telegraph system the following provisions shall take effect :

(A) The Commissioners shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Commissioners have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Commissioners, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Commissioners executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Commissioners shall forthwith give notice to the Postmaster General of any such interference, and the reason for the same :

Restriction on works affecting Post Office telegraph system.

(B) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Commissioners shall observe and perform the same :

Power for Postmaster General to annex conditions.

Power of
entry for
Postmaster
General.

(C) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the highways, lands, and works of the Commissioners for the purpose of examining, repairing, altering, or removing, any telegraph post, wire, tube, apparatus, or work, the property of the Postmaster General being thereon :

Compensation
by Commis-
sioners to
Postmaster
General, and
penalty.

(D) The Commissioners shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Commissioners, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General, and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication the Commissioners shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues, and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Commissioners to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Commissioners :

Provisions to
remain in
force for one
year and to
the end of
the then next
session of
Parliament.

(E) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.¹

¹ The provisions of this section have been superseded by the provisions of "The Telegraph Act, 1878" (41 and 42 Vict., c. 76.)

Expenses of
Act.

XXV. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid by the Commissioners out of the rates to be levied, or the money to be borrowed under the authority of the recited Acts and this Act.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A).

Form of Mortgage.

Mortgage No.

£

By virtue of "The Glasgow Corporation Waterworks Act, 1855," "The Glasgow Corporation Waterworks Amendment Act, 1859," "The Glasgow Corporation Waterworks Amendment Act, 1860," "The Glasgow Corporation Waterworks Amendment Act, 1865," "The Glasgow Corporation Waterworks Amendment Act, 1866," "The Glasgow Corporation Waterworks Amendment Act, 1873," and the Glasgow Corporation Waterworks Amendment Act, 1877," we, the magistrates and council of the City of Glasgow, as Commissioners appointed and acting under the said Acts, in consideration of the principal sum of (*specify amount*), paid by (*name and designation of mortgagee*) to the treasurer to the said Commissioners for the purposes of the said Acts, do hereby grant and assign to the said (*name of mortgagee*), and his executors, administrators, and assigns (*or as the case may be*), the several rates and charges to be levied and charged by them under the authority of the said Acts, or any of them, to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the (*date*), or shall thereafter in virtue hereof remain as a loan to the said Commissioners until the expiration of a further term of years, and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon and signed by the said mortgagee or his foresaids, and by the treasurer to the said Commissioners, and which minutes are hereby declared and shall be held to be valid and binding though they may be neither holograph of the said mortgagee or his foresaids, nor tested, and for and in respect of interest on the said principal sum to the said date of repayment first above-mentioned (being at the rate of

per centum per annum), the said Commissioners shall pay the several sums contained in the (*state number*) interest warrants bearing the number and date hereof and delivered herewith, and that at the several times mentioned in such warrants, upon delivery of the same respectively, and such delivery shall be a sufficient receipt and discharge to the

said Commissioners for the contents of such warrants : Declaring that the said mortgagee and his foresaids shall not be entitled to make, and that the said Commissioners shall not be bound to recognise or register any partial assignation of these presents, or of the sums of money, principal or interest, herein contained, and that the said Commissioners shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation, revision, adjustment, or execution of this mortgage, or of any discharge, renunciation, release, assignation, or minute of postponement or renewal thereof.

In witness whereof (*testing clause according to the form of the law of Scotland*).

SCHEDULE (B).

Form of Interest Warrant.

GLASGOW CORPORATION WATERWORKS.

Mortgage No.	Dated	18
<i>Interest Warrant.</i>		
For	pounds	shillings
and	pence	£
	Less Income Tax	

Payable on	18	£
at the		
		Treasurer.

VIII.

AN

ACT

To authorise the Commissioners of the Glasgow Corporation Waterworks to construct additional Works; and for other purposes.

42 VICTORIÆ, CAP. 40.

[*Royal Assent 23rd May, 1879.*]

WHEREAS by the Glasgow Corporation Waterworks Act, 1855, the Magistrates and Council of the City of Glasgow (hereinafter called "the Commissioners") were appointed Commissioners for carrying into effect the purposes of the said Act, and were authorised to purchase and acquire the Glasgow Waterworks and the Gorbals Gravitation Waterworks, and to introduce an additional supply of water from Loch Katrine, and to supply with water the said city and suburbs thereof, and districts and places adjacent:

And whereas the Commissioners purchased and acquired the undertakings of the Glasgow Waterworks Company and the Gorbals Gravitation Water Company; and the whole waterworks, property, rights, and privileges of the said Companies were transferred to and vested in the Commissioners:

And whereas further powers were granted to the Commissioners by the Glasgow Corporation Waterworks Amendment Act, 1859, the Glasgow Corporation Waterworks Amendment Act, 1860, the Glasgow Corporation Waterworks Amendment Act, 1865, the Glasgow Corporation Waterworks Amendment Act, 1866, the Glasgow Corporation Waterworks Amendment Act, 1873, and the Glasgow Corporation Waterworks Amendment Act, 1877:

And whereas by the Glasgow Corporation Waterworks Amendment Act, 1866, (hereinafter called "the Act of 1866,") the Commissioners were authorised to construct the reservoirs, pumping station, and conduits or main pipes therein described for the purpose of supplying water for trading, manufacturing, and other purposes to the owners, lessees, and occupiers of manufactories and other works, and various

provisions were inserted in connection with the supply of water so to be granted :

And whereas by the Glasgow Corporation Waterworks Amendment Act, 1873, (hereinafter called "the Act of 1873,") the time limited by the Act of 1866 for the construction of the works thereby authorised, with the exception of a portion of the said works which was authorised to be abandoned, was extended :

And whereas the Commissioners were by the Act of 1866 authorised to borrow on mortgage a sum not exceeding in the whole one hundred and fifty thousand pounds, in addition to the sum of one million two hundred and fifty thousand pounds which they had been previously authorised to borrow, and by the Act of 1877 they were authorised to borrow an additional sum of four hundred and fifty thousand pounds :

And whereas the Commissioners have executed all the works specified in and authorised by the Act of 1866, except a portion of the work fifthly specified in the said Act, and therein described as "a conduit or main pipe commencing at " the west side of the reservoir for low-level district, and " terminating at or near the point where the centre line of " Crown Street intersects the centre line of Govan Street in " the city of Glasgow," the said work having only been constructed from the point described as the commencement thereof to a point on the north side of the river Clyde, and from the south side of the said river to a point between York Street and Waddell Street :

And whereas the Commissioners, on the 31st day of July and 1st day of August, 1876, entered into a contract for the construction of a conduit or main pipe to be laid under the river Clyde (being a portion of the said conduit or main pipe fifthly authorised by the Act of 1866) to connect the works lastly described as having been constructed on the north and south sides of the river, the said contract providing that the work should be completed by the 3rd day of November, 1876, (within the extended period limited by the Act of 1873 for the completion of the said conduit or main pipe,) but the same has not been completed in terms of the said contract, and the time limited by the Act of 1873 for the completion thereof has expired :

And whereas the Commissioners have expended on the works authorised by the Act of 1866, so far as constructed, a sum of ninety thousand eight hundred pounds, but until the connexion between the north and south sides of the river is completed the Commissioners will be unable to give the supply of water provided by that Act to the parties on the south side of the said river, or to enforce the provisions

to recover the revenue which the Act of 1866 secured to the Commissioners as the return for the expenditure to be made by them, and it is expedient that the Commissioners should be authorised to construct works to complete that connexion, and the conduit or main pipe on the south side of the said river :

And whereas by the construction of a temporary staging across the river Clyde, and the laying thereon of a temporary pipe, a supply of water could be given to the owners of manufactories and works on the south side of the Clyde at a much earlier period than if such supply were delayed until the completion of the permanent conduit or main pipe before referred to, and it is expedient that the Commissioners should be authorised to construct a temporary staging, and to lay thereon a temporary pipe :

And whereas a plan and section describing the lines and levels of the works necessary to complete the connexion between the north and south sides of the river Clyde, and to enable the Commissioners to give the supply provided by the Act of 1866, and to complete the said conduit or main pipe on the south side of the Clyde from the point at which it has been constructed to that described in the Act of 1866 as its termination, and also of the temporary staging and temporary pipe to be laid thereon, and a book of reference to such plan, containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands to be taken or interfered with for the purposes thereof, have been deposited with the principal sheriff clerk of the county of Lanark, and are in this Act hereinafter referred to as the deposited plan, sections, and book of reference :

And whereas by the Act of 1866 various rights were conferred and obligations laid on the Commissioners, and on various owners and occupiers of works specified in the schedules to that Act annexed, dependent upon the execution of the works by that Act authorised, and it is just and expedient that provision should be made for making these rights and obligations, except in so far as these rights and obligations are modified and altered as hereinafter provided, enforceable on the Commissioners being able to fulfil the obligations undertaken by them under the Act of 1866, by the execution of the works by this Act authorised, although the time limited by the Act of 1866 as extended by the Act of 1873 for the execution of the works thereby authorised has expired :

And whereas the objects of this Act cannot be effected without the authority of Parliament :

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be enacted: and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short Title. I. This Act may be cited for all purposes as the Glasgow Corporation Waterworks Amendment Act, 1879.

Incorporation of general Act.. II. The Lands Clauses Consolidation (Scotland) Act, 1845; the Lands Clauses Consolidation Acts Amendment Act, 1860; the Waterworks Clauses Acts, 1847 and 1863; and also such parts of the Railways Clauses Consolidation (Scotland) Act, 1845, as relate to roads, and to the temporary occupation of lands near the railway during the construction thereof,¹ are (except where expressly varied by this Act) incorporated with and form part of this Act.

¹ See sections 25 to 37 and 46 to 51 of "The Railways Clauses Consolidation (Scotland) Act, 1845," Appendix, pp. 177 to 183.

Interpretation of terms. III. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expressions "the promoters of the undertaking," "the Commissioners," and "the Company," shall mean the Commissioners; and the expressions "the railway" and "the undertaking" shall mean respectively the undertakings by this Act authorised; the expression "the sheriff" when used in this Act shall mean the sheriff of the county of Lanark or any one of his substitutes.

Incorporating 10 & 11 Vict. c. 27, ss. 12 and 13. IV. The twelfth and thirteenth sections of the Harbours, Docks, and Piers Clauses Act, 1847, are incorporated with and form part of this Act,¹ and in construing the said sections as incorporated with this Act the expression "harbours, docks, or piers" used in the said Harbours, Docks, and Piers Clauses Act shall mean the works by this Act authorised.

¹ See Appendix, p. 189.

Power to construct works. V. Subject to the provisions of this Act, the Commissioners are hereby authorised and required to make and maintain, in the lines and according to the levels shown on the de-

posited plan and sections, the temporary staging and pipe and permanent conduits or main pipes hereinafter described, and other works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plan and described in the deposited book of reference as may be required for that purpose. The works authorised by this Act are:—

- (1.) A temporary wooden staging or bridge across the river Clyde for the purpose of laying thereon the temporary conduit or pipe hereafter mentioned, commencing at a point in Glasgow Green, in the city and royal burgh of Glasgow, City parish of Glasgow, and county of Lanark, 10 yards or thereby west from the west side of the carriage drive marked No. 3, in the City parish of Glasgow, on the plans deposited with the sheriff clerk of the county of Lanark, at Glasgow, for and referred to in the Act of 1866, and 3 yards or thereby, measuring in a southerly direction, from a continuation of the south building line of Govan Street, drawn eastward across the river Clyde, and also 225 yards or thereby, measuring in a straight line eastwards, from the east building line of M'Neil Street, and across the river Clyde, and terminating in Govan Street, in the parish of Govan and county of Lanark, at a point 125 yards or thereby, measuring in a straight line in an easterly direction, from the east building line of M'Neil Street aforesaid:
- (2.) A temporary conduit or pipe, commencing by a junction with the conduit or main pipe fifthly described in section 13 of the Act of 1866, so far as the same is already constructed by the Commissioners on the north side of the river Clyde, at a point in Glasgow Green aforesaid on the east side of the carriage drive hereinbefore mentioned in the city and royal burgh of Glasgow, City parish of Glasgow, and county of Lanark, 14 yards or thereby, measuring in a straight line in a southerly direction, from a continuation of the south building line of Govan Street, drawn eastwards across the river Clyde, and also measuring 241 yards or thereby in a straight line drawn eastwards from the east building line of M'Neil Street, and across the river Clyde, and terminating in Govan Street, in the parish of Govan and county of Lanark, by a junction with that part of the said conduit or main pipe fifthly described in section 13 of the Act of 1866, so far as already constructed by the Commissioners on the south side of the river Clyde at a point 103 yards or

thereby, measuring in a straight line drawn in an easterly direction, from the east building line of M'Neil Street, aforesaid :

- (3.) A conduit or main pipe, commencing by a junction with the said conduit or main pipe fifthly described in section 13 of the Act of 1866, so far as already constructed by the Commissioners on the north side of the river Clyde, at a point in Glasgow Green aforesaid on the east side of the carriage drive hereinbefore mentioned, in the city and royal burgh of Glasgow, City parish of Glasgow, and county of Lanark, 14 yards or thereby, measuring in a straight line in a southerly direction, from a continuation of the south building line of Govan Street, drawn eastwards, and across the river Clyde, and measuring 241 yards or thereby in a straight line drawn eastwards from the east building line of M'Neil Street, and across the river Clyde, and terminating in Govan Street, in the parish of Govan and county of Lanark, by a junction with that part of the said conduit or main pipe fifthly described in section 13 of the Act of 1866, so far as already constructed by the Commissioners on the south side of the river Clyde, at a point 103 yards or thereby, measuring in a straight line drawn in an easterly direction, from the east building line of M'Neil Street aforesaid :
- (4.) A conduit or main pipe, commencing by a junction with that portion of the said conduit or main pipe fifthly described in section 13 of the Act of 1866, so far as already constructed by the Commissioners on the south side of the river Clyde, at a point in a field or piece of vacant ground belonging to Messieurs J. R. Cochrane and Company, in the parish of Govan and county of Lanark, and numbered 6, in the last-mentioned parish, on the plans deposited with the sheriff clerk of the county of Lanark, at Glasgow, for and referred to in the Act of 1866, and 51 yards or thereby, measured in a straight line drawn in a westerly direction, from the centre line of York Street, and terminating in Govan Street, in the said last-mentioned parish and county, at or near the point where the centre line of Crown Street intersects the centre line of Govan Street aforesaid.

Limits of
deviation.

VI. In the construction of the works by this Act authorised, the Commissioners may deviate laterally from the lines thereof as shown on the deposited plan to the extent of the limits of lateral deviation marked thereon, and to any other

extent with the consent in writing of the owners, lessees, and occupiers of the land on which such deviation is intended to be made, and vertically from the levels shown on the deposited sections to an extent not exceeding five feet upwards as respects the temporary wooden staging or bridge and temporary conduit or pipe firstly and secondly herein-before described, and to an extent not exceeding five feet downwards as respects the conduit or main pipe thirdly herein-before described, and to an extent not exceeding five feet upwards or five feet downwards as respects the conduit or main pipe fourthly herein-before described.

VII. The temporary wooden staging or bridge and conduit or pipe firstly and secondly herein-before described shall be constructed so as to leave for the passage of vessels at all times a clear width of not less than fifty feet in the navigable portion of the river. Width of temporary works.

VIII. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plan or book of reference, the Commissioners may apply to the sheriff for the correction thereof, after giving ten days' notice to the owners, lessees, and occupiers of the lands affected by the proposed correction, and if it appear to the sheriff that the omission, mis-statement, or erroneous description arose from mistake, he shall certify the same accordingly, stating the particulars of the omission, mis-statement, or erroneous description, and his certificate shall be deposited with the principal sheriff clerk of the county of Lanark, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents; and thereupon the deposited plan or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Commissioners may enter on, take, hold, and use those lands accordingly. Errors, &c., in plan and book of reference may be corrected by sheriff, who shall certify the same

IX. The powers of the Commissioners for compulsory purchase of lands under this Act shall not be exercised after the expiration of one year from the commencement of this Act. Certificate to be deposited.

X. The works by this Act authorised, thirdly and fourthly described in the section of this Act the marginal note of which is "Power to construct works," shall be completed on or before the thirtieth day of September, one thousand eight Period for completion of permanent works.

hundred and eighty,¹ and on the expiration of that period the powers by this Act granted to the Commissioners for executing the said works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

¹ These works were completed, and a certificate of their completion was published in terms of section 20 of this Act, on 31st March, 1880. Immediately thereafter the Commissioners again tendered to the parties named in schedule A of the Act of 1866, as amended by this Act, the quantities of water they were entitled to under the Act of 1866 as amended by this Act.

Period for
completion
of temporary
works.

XI. The works by this Act authorised, firstly and secondly described in the said section, shall be completed within three months after the passing of this Act,¹ and the Commissioners shall and they are hereby required, immediately after the expiration of the said three months, to give the supply of water to the parties entitled thereto under the Act of 1866 as amended by this Act, who may require such supply.²

¹ These works were completed, and a certificate of their completion was published in terms of section 19 of this Act, on 3rd July, 1879.

² The supply of water here referred to was tendered to the parties entitled thereto, as required by this section, immediately after 3rd July, 1879.

Power to take
easements, &c.
by agreement.

XII. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Commissioners any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Amendment
of section 20
of Act of
1866.

XIII. Section 20 of the Act of 1866 shall be read and have effect as follows: that is to say,

As if the words "and until such removal the said weir
"and lock shall continue to be maintained by the
"said trustees" were not contained in the said
section.

Amendment
of section 21
of Act of
1866.

XIV. Section 21 of the Act of 1866 is hereby repealed, and in lieu thereof, and in respect of the removal of the said

weir and lock, and the benefit thence arising to the navigation of the river Clyde, the trustees of the Clyde Navigation shall be bound and they are hereby required, from and out of the funds, rates, or revenues under their management and control, to repay to the Commissioners one half of the whole expense incurred by them in removing the said weir and lock and works connected therewith,¹ and also to pay to the Commissioners, on the lapse of four years after such removal,² free of interest, the sum of five thousand pounds towards the cost of the works by the Act of 1866 or this Act authorised; and the materials of the said weir and lock may be taken and disposed of by the said trustees as they think fit.

¹ By agreement between the Commissioners and the Clyde Trustees, of date 6th May, 1879, the expense of removing the Weir and Lock was fixed at £450.

² The removal of the Weir was completed on or about 20th October, 1879, so that the £5000 is payable by the Clyde Trustees to the Water Commissioners on 20th October, 1883.

XV. Until the removal of the said weir and lock the same shall continue to be maintained by the Commissioners, the maintenance thereof having devolved on them on seventh July one thousand eight hundred and seventy-eight, pursuant to the provisions of section 32 of the Clyde Navigation Act, 1873. Maintenance of weir and lock.

XVI. Schedule (A.) annexed to and referred to in the Act of 1866 shall be read and have effect as if the words and figures following; that is to say, Amendment of Schedule (A.) to Act of 1866.

"Henry Monteith & Co., Barrowfield - - 1,325,000 "

"Fleming, Watson & Nairn, Adelphi Dyeworks 570,000 "

were not and had not been inserted therein and as if the words and figures following; that is to say,

"John Robertson & Co., Newhall Factory - 230,000 "

had been and were inserted therein instead of the words and figures following; that is to say,

"J. & W. I. Scott & Co., John Street Mills - 350,000."

XVII. Schedule (B.) annexed to and referred to in the Act of 1866 shall be read and have effect as if the words and figures following; that is to say, Amendment of Schedule (B.) to Act of 1866.

"Henry Monteith & Co., Barrowfield - - 1,900,000 "

"Fleming, Watson & Nairn, Adelphi Dyeworks 600,000 "

"J. & W. I. Scott & Co., John Street Mills - 400,000 "

"John Robertson & Co., Newhall Factory - 40,000 "

were not and had not been inserted therein.

Amendment
of sections 22
and 24 of Act
of 1866.

XVIII. Section 22 of the Act of 1866 shall be read and have effect as if the words following, that is to say, "two million nine hundred and eighty-five thousand gallons of water," had been and were inserted therein instead of the words following, that is to say, "five million gallons of water," and section 24 of the Act of 1866 shall be read and have effect as if the words following, that is to say, "five hundred and ninety-seven thousand gallons per day," had been and were inserted therein instead of the words following, that is to say, "one million gallons per day."

Certificate as
to completion
of temporary
works to be
made and pub-
lished by Lord
Provost.

XIX. Immediately after the completion of the temporary staging and temporary pipe firstly and secondly in this Act described, the Lord Provost of Glasgow shall, by a notice signed by him and published in at least one daily newspaper published in Glasgow, certify that the same have been completed,¹ and on the insertion of the said certificate in the said newspaper the following sections of the Act of 1866 shall be read and have effect as follows; that is to say,

Amendment
of sections 20,
22, 23, and 24
of Act of 1866,
on completion
of temporary
works.

(1.) Section 20, as amended by this Act, and sections 22, 23, and 24, as if the said temporary staging and temporary pipe had been the conduit or main pipe fifthly described in the Act of 1866, and as if they had been constructed under the authority of the Act of 1866, and had been completed within the time limited by that Act as extended by the Act of 1873, and had been certified as completed by the Lord Provost of Glasgow.

¹ See note (1) to section 11 of this Act.

Amendment
of sections 20,
22, 23, and 24
of Act of 1866,
on completion
of permanent
pipe.

XX. Immediately after the completion of the conduits or main pipes thirdly and fourthly described in and authorised by this Act, the Lord Provost of Glasgow shall, by notice signed by him and published in at least one daily newspaper published in Glasgow, certify that the same have been completed,¹ and on the insertion of the said certificate in the said newspaper the immediately preceding section of this Act shall be repealed, and the following sections of the Act of 1866 shall be read and have effect as follows; that is to say,

Section 20, as amended by this Act, and sections 22, 23, and 24, as if the said conduits or main pipes had been the conduit or main pipe fifthly described in the Act of 1866, and as if it had been constructed under the authority of the Act of 1866, and had been completed within the time limited by that Act as extended by the Act of 1873, and had been certified as completed

by the Lord Provost of Glasgow; and thereupon the Commissioners shall take down and remove the said temporary staging and temporary pipe firstly and secondly before described, and may remove, use, sell, or otherwise dispose of the materials thereof; Provided always, that the period of fifteen years specified in section 23 of the Act of 1866 shall run from the first day of June one thousand eight hundred and seventy-seven, and not from the commencement of the supply of water or tender thereof under the Act of 1866 as amended by this Act; but the payments to be made under that section shall only commence from the period at which the Commissioners are prepared to give and shall tender the supply of water.²

¹ and ² See note to section 10 of this Act.

XXI. The Commissioners shall and they are hereby required, immediately after the works thirdly and fourthly by this Act authorised are completed, to give, by means of those works, the supply of water to the parties on the south side of the river Clyde entitled thereto under the Act of 1866 as amended by this Act;¹ and if the said works thirdly described shall not be completed, and a supply of water shall not by means of such works be given to the said parties on or before the said thirtieth day of September one thousand eight hundred and eighty, the Commissioners shall be bound and they are hereby required to give to such parties the supply of water to which they are entitled as aforesaid, without making any charge whatever for such supply during the period which shall elapse between the last-mentioned date and the period at which the Commissioners shall give the said supply by means of the said works. To secure completion of permanent works.

¹ See note (²) to section 11 of this Act.

XXII. Section 87 of the Act of 1855 is hereby repealed, and in lieu thereof be it enacted, that the Commissioners may furnish to any person within the limits of this Act a supply of water for steam engines or railway purposes, or for shipping, or for warming or ventilating any dwelling-house or other premises, or for working any machine or apparatus, or for cattle, or for horses or washing carriages when such horses or carriages are kept for hire or are the property of a dealer, or for gardens, fountains, or ornamental purposes, or for flushing sewers or drains, or for any trade, manufacture,¹ or business, whether carried on in any dwelling-house or in other premises, or for any other purpose not domestic, such respective supplies being so furnished at such rates and upon Repeal of section 87 of Act of 1855, and provision as to supply of water for other than domestic purposes.

such terms and conditions as shall be fixed from time to time by the Commissioners, and be published by being exhibited in the office of the Commissioners;¹ Provided always, that as far as possible the rate for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply, and that this section shall in no respect repeal, prejudice, or affect any rights conferred under the Act of 1855 with reference to the supply of water under section 87 of that Act.

¹ By section 27 of the Amendment Act, 1866 (p. 83), it is provided that the rates payable for water supplied for trading and manufacturing purposes "shall form preferable claims on the estates of the persons or companies by whom the same are due," and that the same shall be payable quarterly.

² See also section 8 of the Amendment Act, 1873 (p. 90), and sections 14 and 15 of "The Waterworks Clauses Act, 1863" (Appendix p. 174), for powers of the Commissioners to supply water by meter, and to let meters for hire, &c.

Power to apply money authorised to be raised under the Acts of 1866 and 1877 for purposes of this Act.

XXIII. The Commissioners may apply, in defraying the costs of constructing the works by this Act authorised, and of acquiring the lands to be taken for the purposes thereof, and in carrying into effect the purposes of this Act, any of the moneys they are authorised to raise and borrow under the Act of 1866 and under the Act of 1877.

Saving provisions of Acts of 1866 and 1873 except as altered by this Act.

XXIV. Except as by this Act otherwise specially provided, the provisions of the Act of 1866 and the Act of 1873 shall remain in full force and effect, and, except as aforesaid, nothing in this Act contained shall prejudice or affect any obligations imposed or rights conferred by the Act of 1866 or by the Act of 1873.

Further saving provisions

XXV. Subject to the provisions of the section of this Act the marginal note of which is "Amendment of section 21 of "Act of 1866," nothing in this Act contained shall prejudice or affect any claims for compensation or damages, obligations and liabilities, if any, existing at the passing of this Act, under or by virtue of section 32 of the Clyde Navigation Act, 1873, or under section 22 of the Act of 1866 as amended by the Act of 1873.

Saving rights of Crown in foreshore.

XXVI. Nothing contained in this Act shall authorise the Commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing

of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

XXVII. Where the Commissioners are authorised by the special Act to construct, alter, or extend any work on, in, over, through, or across tidal lands or a tidal water, the Commissioners shall, on or near the work, during the whole time of the constructing, altering, or extending thereof, exhibit and keep burning at their own expense, every night from sunset to sunrise, such lights (if any) as the Board of Trade from time to time requires or approves, and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also, on or near the work, when completed, always maintain, exhibit, and keep burning at their own expense, every night from sunset to sunrise, such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves. If the Commissioners fail to comply in any respect with the provisions of the present section, they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

XXVIII. If a work constructed by the Commissioners on, in, over, through, or across tidal lands or a tidal water is abandoned or suffered to fall into decay, the Board of Trade may abate and remove the work or any part of it, and restore the site thereof to its former condition at the expense of the Commissioners, and the amount of such expense shall be a debt due from the Commissioners to the Crown, and be recoverable accordingly, with costs, or the same may be recovered with costs as a penalty is recoverable from the Commissioners.

XXIX. If at any time the Board of Trade deems it expedient to order a survey and examination of a work constructed by the Commissioners on, in, over, through, or across tidal lands or tidal water, or of the intended site of any such work, the Commissioners shall defray the expense of the survey and examination, and the amount thereof shall be a debt due from the Commissioners to the Crown, and be recoverable accordingly, with costs, or the same may be recovered with costs as a penalty is recoverable from the Commissioners.

Expenses of
Act.

XXX. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid by the Commissioners out of the rates to be levied or the money to be borrowed under the authority of the recited Acts.

IX.

AN

ACT

To authorize the Commissioners of the Glasgow Corporation Waterworks to construct an additional service Reservoir and other Works; and for other purposes.

45 & 46 VICTORIÆ, CAP. 87.

[*Royal Assent, 3rd July, 1882.*]

WHEREAS by the Glasgow Corporation Waterworks Act, 1855 (hereinafter called the Act of 1855), the Magistrates and Council of the City of Glasgow (hereinafter called "the Commissioners"), were appointed Commissioners for carrying into effect the purposes of the said Act, and were authorized to purchase and acquire the Glasgow Waterworks and the Gorbals Gravitation Waterworks, and to introduce an additional supply of water from Loch Katrine, and to supply with water the said city and suburbs and districts and places adjacent:

And whereas the Commissioners purchased and acquired the undertakings of the Glasgow Waterworks Company and the Gorbals Gravitation Water Company; and the whole waterworks, property, rights, and privileges of the said companies were transferred to and vested in the Commissioners:

And whereas further powers were granted to the Commissioners by the Glasgow Corporation Waterworks Amendment Act, 1859 (herein-after called the Act of 1859), the Glasgow Corporation Waterworks Amendment Act, 1860), the Glasgow Corporation Waterworks Amendment Act, 1865 (herein-after called the Act of 1865), the Glasgow Corporation Waterworks Amendment Act, 1866, the Glasgow Corporation Waterworks Amendment Act, 1873, the Glasgow Corporation Waterworks Amendment Act, 1877 (hereinafter called the Act of 1877), and the Glasgow Corporation Waterworks Amendment Act, 1879 (in this Act called the recited Acts):

And whereas the waterworks authorized by the Act of 1855 were executed and completed by the Commissioners,

and have for many years past been in successful operation to the great benefit and advantage of the inhabitants of the said city and suburbs and districts and places adjacent :

And whereas for the purpose of more effectually securing an uninterrupted supply of water to the said city and suburbs and districts and places adjacent, it is expedient that the Commissioners should be authorised to construct and maintain the additional service reservoir, embankment, aqueduct and other works herein-after described, and for that purpose that they should be authorized to divert the turnpike road herein-after mentioned, and execute the works herein-after described :

And whereas for the purposes aforesaid, and for the general purposes of their undertaking, it is expedient that the Commissioners should be authorized to raise further money, and that their borrowing powers should be enlarged :

And whereas a plan and section, describing the lines and levels of the said reservoir, aqueduct, embankment, diversion of road, and other works, and a book of reference to such plan, containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands to be taken or interfered with for the purposes thereof, have been deposited with the principal sheriff clerk of the County of Stirling, and are in this Act herein-after referred to as the deposited plan, section and book of reference :

And whereas the objects of this Act cannot be effected without the authority of Parliament :

MAY IT THEREFORE PLEASE YOUR MAJESTY

that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

I. This Act may be cited for all purposes as the Glasgow Corporation Waterworks Amendment Act, 1882.

Incorporation of Acts.

II. The following enactments, as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act, are hereby incorporated with and form part of this Act, namely :—

The Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, in this Act referred to as the Lands Clauses Acts :

The Waterworks Clauses Acts, 1847 and 1863,¹ except the provisions of the Waterworks Clauses Act, 1847, with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit;

The provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to roads and to the temporary occupation of lands near the railway during the construction thereof;² but those provisions shall be read so as to apply only to the construction of the reservoir and embankment by this Act authorized, and the works immediately connected therewith, and as if such reservoir, embankment and works were therein referred to, instead of "the railway," and as if the boundaries of the said reservoir, embankment, and works were therein mentioned, instead of "the centre of the railway," and the prescribed limits shall be two hundred yards from the margin of the intended reservoir.

¹ See Appendix, pp. 148 and 171.

² See section 25 to 37 and 46 to 51 of "The Railway Clauses Consolidation (Scotland) Act, 1845," Appendix, pp. 177 to 183.

III. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction; the expressions "the promoters of the undertaking," "the Commissioners," and the "Company" shall mean the Commissioners: and the expressions "the railway" and "the undertaking" shall mean respectively the undertakings by this Act authorized; the expression "the sheriff" when used in this Act shall mean the sheriff of the county of Stirling or any one of his substitutes.

Interpretation of terms.

IV. Subject to the provisions of this Act the Commissioners may make and maintain, in the lines and according to the levels shown on the deposited plan and sections, the reservoir, embankment, aqueduct, and other works and conveniences connected therewith, and the new road or the diversion of the turnpike road herein-after described (but subject always to any alterations in the levels of the said new road which may be agreed upon between the Commissioners and the county road trustees of the County of Stirling under the Roads and Bridges (Scotland) Act, 1878), and may enter upon, take and use such of the lands delineated on the

Power to construct works.

deposited plan, and described in the deposited book of reference, as may be required for that purpose. The works authorized by this Act are :—

- (1) An embankment (for the purpose of forming the reservoir herein-after mentioned), to be situated in the parishes of New Kilpatrick and Baldernock, both in the County of Stirling, commencing in the parish of New Kilpatrick, in the county of Stirling, at a point 80 yards, or thereabouts, measuring in a south-eastwardly direction from the south-east corner of the existing Mugdock Reservoir, belonging to the Commissioners, proceeding thence in a south-eastwardly direction for a distance of 80 yards or thereabouts, thence in an eastwardly direction for the distance of 500 yards, or thereabouts, thence proceeding in a northwardly direction for a distance of 800 yards, or thereabouts, and terminating there, in the parish of Baldernock, in the county of Stirling, in a field belonging to, or reputed to belong to, Robert Ker, and in the occupation of James Johnstone, which field is numbered 59 on the published Ordnance map of the said parish of Baldernock (scale 25·344 inches to a mile), at a point in that field 80 yards, or thereabouts, east of the turnpike road leading from Glasgow to Strathblane, which last-mentioned point is also 375 yards, or thereabouts, north-east from Bentfoot Cottage ;
- (2) A new road, to be situated in the parishes of New Kilpatrick and Baldernock, both in the county of Stirling, in substitution of part of the existing turnpike road leading from Glasgow to Strathblane, and which turnpike road is now under the control and management of the county road trustees of the county of Stirling, under the Roads and Bridges (Scotland) Act, 1878 (herein-after referred to as the "county road trustees," and which road is herein-after referred to as "the said turnpike road") commencing in the said parish of New Kilpatrick, in the county of Stirling, at a point in that road 283 yards, or thereabouts, north-east from Barloch Farmhouse, and terminating in the parish of Baldernock, in the county of Stirling, by a junction with the said turnpike road at a point 533 yards, or thereabouts, north-east from Bentfoot Cottage ;
- (3) A reservoir, to be situate in the parishes of New Kilpatrick and Baldernock, or one of them, both in the county of Stirling, which reservoir will be 800 yards, or thereabouts, in length, measuring from north to south,

and of a width varying from 800 yards, or thereabouts, to 300 yards, or thereabouts, measuring from east to west, and will commence in the parish of New Kilpatrick at or near the point herein-before described as the point of commencement of the embankment herein-before described, and will terminate in the parish of Baldernock, at or near a point on the said turnpike road 533 yards, or thereabouts, north-east from Bent-foot Cottage aforesaid, and will be situated on lands bounded as follows:—On the south by the embankment herein-before described, on the east partly by the said embankment and partly (from near the termination of that embankment) by the new road herein-before described, on the north by an imaginary straight line drawn from the point herein-before described as the point of the termination of the new road, in a west-south-westwardly direction for a distance of 600 yards, or thereabouts, and on the west partly by an imaginary straight line drawn from the termination of the last-mentioned imaginary straight line in a southwardly direction for a distance of 500 yards, or thereabouts, to the north-eastern corner of the Mugdock Reservoir herein-before mentioned, and partly by the eastern side of that reservoir;

- (4) An aqueduct, commencing in the parish of Strathblane, in the county of Stirling, by a junction with the existing aqueduct of the Commissioners from Loch Katrine at or near the termination of that existing aqueduct at the north end of the said Mugdock Reservoir, and terminating in the parish of New Kilpatrick, in the county of Stirling, in the proposed new reservoir, in a field belonging or reputed to belong to and occupied by James Weir, which field is numbered 1,317 on the published Ordnance map of the said parish of New Kilpatrick (scale 25·344 inches to a mile) at a point in that field 400 yards, or thereabouts, north-east from Barrachan Farmhouse, and which aqueduct will be situated in the said parishes of Strathblane and New Kilpatrick, or one of them, in the said county of Stirling;
- (5) An outlet pipe, wholly situate in the parish of New Kilpatrick, in the said county of Stirling, commencing in the proposed reservoir before described, in a field belonging to or reputed to belong to the trustees of the late Mrs. Grace Holmes or M'Intosh and others, and in the occupation of the representatives of the late William Hunter, which field is numbered 1,386 on the said

published Ordnance map of the said parish of New Kilpatrick, at a point in that field 190 yards, or thereabouts, north-eastward from the Commissioners' Cottage at or near the south-eastern end of the said Mugdock Reservoir, and terminating by a junction with the existing mains of the Commissioners from that reservoir to Glasgow, at a point 460 yards, or thereabouts, south from that cottage;

(6) A waste watercourse, wholly situate in the said parish of New Kilpatrick, and county of Stirling, commencing in the proposed reservoir in the said field belonging to or reputed to belong to the trustees of the late Mrs. Grace Holmes or M'Intosh and others, and in the occupation of the representatives of the late William Hunter, at a point in that field 100 yards or thereabouts eastward from the Commissioners' Cottage at Mugdock Reservoir aforesaid, and terminating in the Tannoch Burn at a point 300 yards or thereabouts westward from that cottage;

(7) A discharge culvert, wholly situate in the said parish of New Kilpatrick, and county of Stirling, commencing in a field belonging to, or reputed to belong to, and occupied by Robert Ker, on the eastern side of the said turnpike road, which field is numbered 1,560 on the published Ordnance map of the said parish of New Kilpatrick, at a point in that field 130 yards or thereabouts south-eastward from Deerpark Cottage, and terminating in a stream or watercourse at a point 320 yards, or thereabouts, southward from that cottage.

For the protection of the estate of Dougalston.

V. For the protection of the estate of Dougalston, in the county of Stirling, the following provisions shall have effect and be observed by the Commissioners and the owner for the time being of the said estate, herein-after called the owner:—

(A) The Commissioners shall lay down and maintain a cast-iron pipe from a point at or near the termination of the discharge culvert lastly herein-before described to the north side of the Allander Water at or near the point where that water is crossed by the turnpike road leading from Glasgow to Strathblane, such pipe to be of such a size as to be capable of conveying the whole of the water that may be required to be discharged by that culvert during the construction of the works by this Act authorized and at any time after the completion of the reservoir by this Act authorized;

- (B) The said cast-iron pipe shall be laid down before any of the works by this Act authorized are commenced ;
- (C) The whole of the waters before mentioned, except the compensation water herein-after mentioned, shall be discharged through the said cast-iron pipe and shall not be allowed to flow into the streams running through the Dougalston estate ;
- (D) The owner shall give to the Commissioners, free of charge, an easement or wayleave for the purpose of laying down, maintaining, and repairing the said cast-iron pipe through the said estate ;
- (E) The Commissioners shall do as little damage as may be to the said estate in laying down, maintaining, or repairing the said cast-iron pipe, and shall make good any damage done to the said estate by reason thereof, and shall restore and make good the surface of the ground whenever the same is interfered with for the purposes aforesaid ;
- (F) During the construction of the works by this Act authorized the Commissioners shall from the termination of the said discharge culvert send daily into the stream in which that discharge culvert terminates fifty thousand gallons of water, but not more in a continuous stream, as compensation water during such period as that quantity or more than that quantity of water is passing through that discharge culvert: Provided always that the owner shall not be entitled to any compensation on account of the fouling or impurity of the water or of any damage occasioned thereby ;
- (G) After the completion of the said works the Commissioners shall cause to be discharged from the said culvert into the said stream fifty thousand gallons of water daily from the said reservoir in a continuous stream ;
- (H) The supply of water into the said stream herein-before provided for shall be in full of all claim by the owner for water abstracted or fouled by reason of the said works, both during their construction and after their completion ;
- (I) Provided further, that previous to the completion of the reservoir, the surface water naturally draining from the ground above the level of the reservoir shall, so far as practicable, be diverted into the east stream on the said estate.

Limits of lateral deviation.

Limits of vertical deviation.

VI. In the construction of the works by this Act authorized, the Commissioners may deviate laterally from the lines thereof, as shown on the deposited plan, to the extent of the limits of lateral deviation marked thereon, and vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards: Provided always that the Commissioners shall not in the exercise of the powers of lateral deviation hereby given construct any embankment or wall of said reservoirs of a greater height above the general surface of the ground than the height of the corresponding embankment or wall as shown on the deposited sections, and two feet in addition.

Power to take easements, &c., by agreement.

VII. The Commissioners may take by agreement, and all persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Commissioners any easement or servitude, right or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, or feu duties, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements or servitudes, rights and privileges as aforesaid respectively.

Purchase of additional land.

VIII. The Commissioners may, in addition to the lands authorized to be taken or acquired as aforesaid, purchase by agreement any land, not exceeding five acres, for the purposes of this Act, but the Commissioners shall not erect any buildings upon such lands, other than offices, residences for persons in their employ, or such buildings and works as may be incident to or connected with the works by this Act authorized.

New works to form part of Commissioners' undertaking.

IX. Subject to the provisions of this Act, the works to be constructed under the authority of this Act shall for all purposes whatsoever be deemed part of the undertaking of the Commissioners as if they had been authorized by the Act of 1855.

On completion of new road site of existing road, so far

X. So soon as the new road by this Act authorized is formed and ready for traffic, the Commissioners may stop up and extinguish all rights of way over the portion of the turnpike road from Glasgow to Strathblane, between the

points of the commencement and termination of the said new road, and they may appropriate for the purposes of this Act, the site of so much of the said turnpike road as may be so stopped up, and as may be bounded on both sides by lands of the Commissioners: Provided always that the fact of the said new road being ready for traffic shall be left to the determination of the local surveyor of the county road trustees and the engineer of the Commissioners, and in the event of their differing in opinion to the determination of the sheriff:¹ Provided also, that during the construction of the other works by this Act authorized, and until the certificate of the completion of the said new road is granted by the sheriff as herein-after mentioned, the same shall be always upheld and maintained in good order and thoroughly sufficient condition, by and at the expense of the Commissioners.

as superseded, to vest in Commissioners.

¹That is, the Sheriff of the County of Stirling, or one of his substitutes. See section 3 of this Act.

XI. Immediately upon the construction of the other works authorized by this Act being completed but not sooner, the Commissioners shall make an application to the sheriff to certify as to the completion of the said new road, and the county road trustees shall be made parties to such application. The said new road, when its completion is so certified (of which completion such certificate shall be conclusive evidence) shall become, and the same shall thenceforth be part of the said turnpike road, and shall, subject to the proviso herein-after contained, be upheld and maintained by the county road trustees: Provided always, that the Commissioners shall pay to the county road trustees the cost of upholding and maintaining the said new road for a period of twelve months after the date of the said certificate of completion.

Maintenance of new road.

XII. If any omission, misstatement or erroneous description is found to have been made of any lands or of any owners, lessees, or occupiers of any lands described or intended to be described in the deposited plan or book of reference, the Commissioners may apply to the sheriff for the correction thereof, after giving ten days notice to the owners, lessees and occupiers of the lands affected by the proposed correction, and if it appear to the sheriff that the omission, misstatement or erroneous description arose from mistake, he shall certify the same accordingly, stating the particulars of the omission, misstatement or erroneous description, and his certificate shall be deposited with the

Errors and omissions in plan and book of reference may be corrected by sheriff, who shall certify the same.

Certificate to be deposited. principal sheriff clerk of the county of Stirling, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plan or book of reference (as the case requires shall be deemed to be corrected according to the certificate, and the Commissioners may enter on, take, hold, and use those lands accordingly.

Period for compulsory purchase. XIII. The powers of the Commissioners for compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the commencement of this Act.¹

¹ The period allowed for the compulsory purchase of lands will not expire till 3rd July, 1887.

Period for completing works. XIV. After the expiration of ten years from the passing of this Act,¹ all the powers for completing the new works by this Act authorized shall cease to be exercised, except as to so much thereof as are then completed.

¹ The period allowed for the completion of the works will not expire till 3rd July, 1892.

For protection against accidents from reservoirs, &c. XV. Section 81 of the Act of 1855, for the protection against accidents from reservoirs or embankments, shall extend and be applied to the reservoir and embankment by this Act authorized.

For further provisions relative to the security of reservoirs see sections 3 to 11 inclusive of "The Waterworks Clauses Act 1863," Appendix pp. 171, 172, and 173.

Power to borrow on mortgage. XVI. It shall be lawful for the Commissioners to borrow on mortgage any sums not exceeding one hundred and fifty thousand pounds, in addition to the sum of one million eight hundred and fifty thousand pounds authorized to be borrowed by the recited Acts, and to make and grant mortgages and assignments of the several rates to be levied by the Commissioners under the provisions of the recited Acts, or any of them, in security of the payment of the money so borrowed and interest thereon; and, if after having borrowed the said sums or any part thereof, the Commissioners pay off the same, otherwise than by means of the sinking fund herein-after mentioned, it shall be lawful for them again to borrow the amount so paid off, and so from time to time.

Power to borrow on cash account. XVII. It shall be lawful for the Commissioners to accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or

banking company in the name of the Commissioners, according to the usage of bankers in Scotland, to the extent of the sum which the Commissioners are authorised to borrow as aforesaid, or any part thereof, and, if required, to make and grant mortgages and assignations of the several rates to be levied by them under the provisions of the recited Acts, or any of them, in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon: Provided that the whole sum due and owing by the Commissioner on such cash account, and for money borrowed by them on bonds or on mortgages or assignations of the said property and works and rates, or any part thereof, shall not, when taken together, exceed the sum of two millions pounds by the recited Act and this Act authorised to be borrowed.

XVIII. The several sums borrowed by the Commissioners under the authority of the recited Acts and this Act, shall be applied in defraying the expense of purchasing and acquiring lands and other property and of executing the works authorised by the recited Acts and this Act, and in defraying the expense of obtaining and passing this Act, and in carrying into effect the several purposes thereof to which capital is properly applicable.

Application
of money
borrowed.

XIX. The Commissioners may fund the whole or any part of the sums to be raised under the authority of this Act, under the powers and provisions, with the rights and privileges, and subject to the restrictions and conditions which are contained in sections 112 to 116, both inclusive, of the Act of 1855,¹ as amended by section 10 of the Act of 1877.²

Debt may be
funded.

¹ See these sections and notes thereon, pp. 40 and 41.

² See this section, p. 96.

XX. Sections 10 to 13, both inclusive, of the Act of 1859,¹ sections 14 to 19, both inclusive, of the Act of 1865,² and section 7 of the Act of 1877,³ with respect to the form, execution, transfer, and transmission of mortgages and annuities and interest warrants thereon to be granted under the authority of the recited Acts, shall be, and are hereby made applicable to the money to be borrowed, and the mortgages and assignations in security and annuities to be granted under the authority of this Act, in the same manner as if the money to be borrowed, and the mortgages and assignations in security, and annuities to be granted under

As to form
and execu-
tion of
mortgage, &c.

the authority of this Act had been borrowed or granted under the authority of the recited Acts, or any of them.

¹ See these sections, pp. 49 and 50.

² See these sections and notes thereon, pp. 66 and 67.

³ See this section, p. 96.

Provisions as to judicial factor and sinking fund to be applicable to this Act.

XXI. Sections 117, 118, and 119 of the Act of 1855,¹ and section 20 of the Act of 1865,² with respect to the appointment, powers, and duties of a judicial factor, and the sinking fund to be set apart for the redemption of mortgages and annuities shall be, and are hereby made applicable to the money to be borrowed, and the mortgages and assignations in security to be granted under the authority of this Act, in the same manner as if the money to be borrowed under the authority of this Act had been borrowed under the authority of the recited Acts, or any of them.

¹ See these sections and notes thereon, pp. 41, 42, and 43.

² See this section and notes thereon, p. 68.

Saving existing annuities and securities.

XXII. Nothing in this Act contained shall prejudice any bonds, annuity debentures, mortgages or assignations in security granted by the Commissioners under the authority of the recited Acts, or any of them, and subsisting at the date of the passing of this Act, and such bonds, annuity debentures, mortgages and assignations shall be, and remain in full force and as valid and effectual in all respects as if this Act had not been passed.

Expenses of Act.

XXIII. The expenses of applying for, obtaining, and passing this Act, and incidental thereto, shall be paid by the Commissioners out of the rates to be levied under the authority of the first-recited Act, or out of the money to be borrowed under the authority of the recited Acts or this Act.

A P P E N D I X.

PART I.

SECTIONS OF OTHER ACTS INCORPORATED WITH THE GLASGOW CORPORATION WATERWORKS ACTS.

(1.) THE COMMISSIONERS CLAUSES ACT 1847.

(10 VICT. c. 16.)

*By section 4 of "The Glasgow Corporation Waterworks Act 1855,"
and other sections of subsequent Amendment Acts, the following
clauses are incorporated from "The Commissioners Clauses
Act 1847."*

And with respect to the construction of this Act, and any Act incorporated therewith, be it enacted as follows : Interpreta-
tions in this
Act :

II. The expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed, constituting a body of Commissioners as hereinafter defined for the purpose of carrying on any undertaking, and with which this Act shall be incorporated ; and the word "prescribed" used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act ; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used ; and the expression "the undertaking" shall mean the undertaking or works, of whatever nature, which shall by the special Act be authorized to be executed or carried on ; and the expression "the Commissioners" shall mean the Commissioners, Trustees, Undertakers, or other persons or body corporate constituted by the special Act, or thereby intrusted with powers for executing the undertaking.

III. The following words and expressions, both in this and the special Act, and any Act incorporated therewith, shall have the several meanings hereby assigned to them, unless there be some- Interpreta-
tions in this
and the spe-
cial Act :

thing in the subject or the context repugnant to such construction (that is to say),

Words importing the singular number only shall include the plural number; and words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include females:

The word "Person" shall include a corporation, whether aggregate or sole:

The word "Lands" shall extend to messuages, lands, tenements, and hereditaments or heritages of any tenure:

The word "Month" shall mean calendar month:

The expression "Superior Courts," where the matter submitted to the cognizance of the court arises in *England* or *Ireland*, shall mean Her Majesty's Superior Courts of Record at *Westminster* or *Dublin*, as the case may require, and shall include the Court of Common Pleas of the County Palatine of *Lancaster* and the Court of Pleas of the County of *Durham*; and where such matter arises in *Scotland* shall mean the Court of Session:

The word "Oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by law to make a declaration instead of taking an oath:

The word "County" shall include riding or other division of a county having a separate Commission of the Peace, and in Scotland stewartry, and any ward or other division of a county or stewartry having a separate Sheriff, and it shall also include county of a city or county of a town:

The word "Justice" shall mean Justice of the Peace acting for the place where the matter requiring the cognizance of any such Justice arises; and where any matter is authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two or more Justices met and acting together:

The word "Sheriff" shall mean the Sheriff Depute of the county or ward of a county in Scotland and the Steward Depute of the stewartry in Scotland in which any matter submitted to the cognizance of the Sheriff arises, and shall include the substitutes of such Sheriff Depute and Steward Depute respectively:

The expression "the Clerk" shall mean the Clerk of the Commissioners, and shall include the word "Secretary":

The expression "the Town" shall mean the town or district named in the special Act within which the Powers of the Commissioners are to be exercised.

Contracts.

And with respect to the Contracts to be entered into and the

Deeds to be executed by the Commissioners, be it enacted as follows :—

LVI. The Commissioners may enter into contracts with any persons for the execution of any works directed or authorised by this and the special Act to be done by the Commissioners, or for furnishing materials, or for any other things necessary for the purposes of this or the special Act, and every such contract for the execution of any work shall be in writing and shall specify the work to be done, and the materials to be furnished, and the price to be paid for the same, and the time or times within which the work is to be completed, and the penalties to be suffered in case of non-performance thereof, and the power hereby granted to the Commissioners to enter into contracts may lawfully be exercised as follows (that is to say) : Power to Commissioners to enter into Contracts.

Any contract which if made between private persons would be by law required to be in writing and under seal, or in *Scotland* by a Probative Deed, the Commissioners may make in writing and under their common seal, if they be incorporated, or if not incorporated under the hands and seals, or in *Scotland* under the hands of the Commissioners or any two of them, acting by the direction and on behalf of the Commissioners, and in the same manner may vary or discharge the same.

Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith, the Commissioners may make in writing, signed by the Commissioners or any two of their number, acting by the direction and on behalf of the Commissioners, and in the same manner may vary or discharge the same.

Any contract which if made between private persons would by law be valid, although made by parol only and not reduced into writing, the Commissioners or any two of them, acting by the direction and on behalf of the Commissioners, may make by parol only, without writing, and in the same manner may vary or discharge the same.

And all contracts made according to the provisions herein contained, being duly executed by the persons contracting to perform the works therein comprised respectively, shall be effectual in law, and shall be binding on the Commissioners, and all other parties thereto, their successors, heirs, executors, or administrators, as the case may be, and in case of default in the execution of any such contract either by the Commissioners or by any other party thereto, such actions or suits may be maintained thereon, and damages and costs recovered by or against the Commissioners or the other parties failing in the execution thereof, as might have been maintained and recovered had the same contracts been made between private persons only.

Notice to be given of Contracts to the amount of £100 or upwards.

LVII. Before any contract to the amount of one hundred pounds or upwards shall be entered into by the Commissioners, ten days' notice at the least shall be given in some one of the newspapers circulating within the limits of the special Act, expressing the purpose of such contract, and inviting any person willing to undertake the same to make proposals for that purpose to the Commissioners, and the Commissioners shall accept the proposal which, upon a view of all the circumstances, shall appear to them to be most advantageous, and shall take security for the due and faithful performance of every such contract.

Commissioners may compound for Breach of Contract.

LVIII. The Commissioners may compound with any party who has entered into any such contract, or against whom any action or suit has been brought for any penalty contained in any such contract, or in any bond or other security for the performance thereof, or on account of any breach or non-performance of any such contract, bond, or security for such sums of money or other recompence as the Commissioners may think proper.

As to the Conveyance of Lands by the Commissioners.

LIX. Where by the special Act or any Act incorporated therewith, the Commissioners are authorised or required to sell or convey any lands vested in them, and no other mode of conveyance is provided, they may convey such lands or such interest as the Commissioners have therein, by deed under the common seal of the Commissioners if they be a corporation, or, if not a corporation, by deed executed by the Commissioners, or any two of them acting by the authority of and on behalf of the Commissioners; and a deed so executed, followed as to lands in Scotland, by infestment duly recorded, shall be effectual to vest the lands comprised therein or such interest as the Commissioners have therein in the grantee or other person to whom the same shall be so conveyed; and a receipt under such common seal, or under the hands of two of the Commissioners acting as aforesaid, shall be a sufficient discharge to the purchaser of any such lands for the purchase money in such receipt expressed to be received.

Receipt under Seal to be a sufficient Discharge.

Legal Proceedings.

And with respect to the liabilities of the Commissioners, and to legal proceedings, by or against the Commissioners, be it enacted as follows :—

Commissioners not to be personally liable for Acts done in the capacity of a Commissioner.

LX. No Commissioner, by being party to, or executing, in his capacity of Commissioner, any contract or other instrument on behalf of the Commissioners, or otherwise lawfully executing any of the powers given to the Commissioners, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever; and the bodies or goods or lands of the several Commissioners shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or by reason of any other lawful Act done by them in the execution of any of their powers as

Commissioners; and the Commissioners respectively, their heirs, executors and administrators, shall be indemnified out of the rates and other monies coming to the hands of the Commissioners by virtue of this and the special Act for all payments made or liability incurred in respect of any acts done by them, and for all losses, costs, and damages which they may incur in the execution of the powers granted to them.

Commissioners to be indemnified for acts done in the execution of their office.

LXI. In all actions and suits in respect of any matter or thing relating to the execution of this or the special Act, to be brought by or against the Commissioners, it shall be sufficient, where such Commissioners are not a body corporate, to state the names of any two of the Commissioners, or the name of their Clerk, as the party, plaintiff or defendant, representing the Commissioners in any such action or suit, and no such action or suit shall abate or be discontinued, or require to be transferred, by reason of the death of any such Commissioner, or by his ceasing to be a Commissioner, or by the death, suspension, or removal of such clerk.

Actions or suits to be brought in the name of any two Commissioners or their clerk.

LXII. Execution upon every judgment or decree against the Commissioners in any such action or suit shall be levied on the goods, chattels, or personal effects belonging to the Commissioners by virtue of their office, and shall not in any manner extend to charge or make liable the persons, or private lands or goods of any of the Commissioners, or the heirs, executors, or administrators of any of them.

Executions to be levied on the goods belonging to Commissioners by virtue of their office only.

LXIII. Every Commissioner or clerk in whose name any such legal proceeding shall be carried on, either as plaintiff or defendant, on behalf of the Commissioners, shall be reimbursed, out of the monies which shall come into the hands of the treasurer of the Commissioners by virtue of his office, all damages, costs, charges, and expenses to which any such Commissioner or clerk may be put, or with which he may become chargeable, by reason of being so made plaintiff or defendant.

Commissioners and clerk to be reimbursed all damages, etc

LXIV. The Commissioners may prefer a Bill of Indictment against any person who shall steal or wilfully injure any property or thing belonging to the Commissioners, or under their management, or institute any other proceeding which may appear to them necessary for the protection of such property, and in every such case it shall be sufficient to state generally the property or thing in respect of which such proceeding shall have been taken to be the property of the Commissioners, as they shall be described in the special Act, without naming the individual Commissioners.

How Indictments to be preferred.

And with respect to the appointment and accountability of the Officers of the Commissioners, be it enacted as follows :

LXV. The Commissioners may from time to time appoint and employ a Treasurer, Clerk, Collector, Assessor, and all such other

Power to Commission-

ers to appoint officers to assist in the execution of this and the special Act as Clerk and they shall think necessary and proper, and from time to time other officers, and remove any of such officers, and appoint others in the room of such as shall be so removed, or as may die, resign, or discontinue their offices, and may, out of the monies to be raised for the purposes of this and the special Act, pay such salaries and allowances to the said officers respectively as the Commissioners shall think reasonable.

Offices of Clerk and Treasurer not to be held by the same person.

LXVI. The same person shall not be appointed to the office both of clerk and treasurer; and if any person being the clerk, or the partner of such clerk, or in the service of such clerk or of his partner, accept the office of treasurer, or if any person being the treasurer, or the partner of such treasurer, or in the service of such treasurer or of his partner, accept the office of clerk, he shall forfeit the sum of one hundred pounds, and any person may sue for such penalty by action of debt or on the case in any of the superior Courts, and shall on recovery thereof be entitled to full costs of suit.

Officer taking Fees other than those allowed to lose his office, and forfeit £50.

LXVII. Every officer employed by the Commissioners who shall exact or accept on account of anything done by virtue of his office, or in relation to the matters to be done under this or the special Act, any fee or reward whatsoever other than the salary or allowances allowed by the Commissioners, or who shall be in anywise concerned or interested in any bargain or contract made by the Commissioners, shall be incapable of being afterwards employed by the Commissioners, and shall forfeit the sum of fifty pounds, and any person may sue for such penalty by action of debt or on the case in any of the superior Courts, and shall on recovery thereof be entitled to full costs of suit.

Security to be taken from all officers intrusted with money.

LXVIII. Before any person, whether treasurer, collector, or other officer intrusted by the Commissioners with the custody or control of monies by virtue of his office, shall enter upon such office, the Commissioners shall take sufficient security from him for the faithful execution thereof.

Collectors to pay over monies within seven days to the Treasurer.

LXIX. Every collector appointed or employed by the Commissioners by virtue of this or the special Act to collect any rates shall within seven days after he shall have received any monies on account of any such rates, pay over the same to the treasurer of the Commissioners to their account, and the receipt of such treasurer for the monies so paid shall be a sufficient discharge to the collector, and every such collector shall, in such time and in such manner as the Commissioners direct, deliver to them true and perfect accounts in writing under his hand of all monies received by him and of all monies paid by him to the said treasurer by virtue of this or the special Act, and also a list of the names of all persons who have neglected or refused to pay any rate or money owing by them, with a statement of the monies due from them respectively.

LXX. Every collector and other officer appointed or employed by the Commissioners by virtue of this or the special Act shall, from time to time when required by the Commissioners, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand of all monies received by him on behalf of the Commissioners, and such account shall state how and to whom and for what purpose such monies have been disposed of, and together with such account such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the Commissioners, or to any person appointed by them to receive the same, all monies which shall appear to be owing from him upon the balance of such accounts. Officers to account.

LXXI. If any such collector or other officer fail to render such accounts as aforesaid, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for five days after being thereunto required to fail to deliver up to the Commissioners, or to any person appointed by them to receive the same, all papers and writings, property, effects matters, and things, in his possession or power, relating to the execution of this or the special Act, or any Act incorporated therewith, or belonging to the Commissioners, then on complaint thereof being made to a Justice, or to the Sheriff, such Justice or Sheriff shall summon such officer to appear before two or more Justices, or before such Sheriff, according as the summons may have been issued by a Justice or by the Sheriff, at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such officer, or upon proof that such summons was personally served upon him, or left at his last known place of abode, such Justices or Sheriff may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear, either upon confession of such officer, or upon evidence, or upon inspection of the account, that any monies of the Commissioners are in the hands of such officer, or owing by him to the Commissioners, such Justices or Sheriff may order such officer to pay the same, and if he fail to pay the amount it shall be lawful for such Justices or Sheriff to grant a warrant to levy the same by distress, or by poinding and sale, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding three months, unless the same be sooner paid. Summary recovery against parties failing to account.

LXXII. If any such officer summoned as aforesaid refuse to make out such account in writing, or to produce and deliver to the Justices or Sheriff the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters or things, in his possession or power, belonging to the Commissioners, such Justices or Sheriff may commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts in his possession or power relating Officers refusing to make out account and deliver up documents, etc., may be committed to prison.

to such accounts, and all the books, papers, writings, property, effects, matters, and things, in his possession or power, belonging to the Commissioners.

Where officer about to abscond, a warrant may be issued in the first instance.

LXXIII. Provided always, that if any Commissioner, or other person acting on behalf of the Commissioners, shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and that he does believe that it is the intention of any such officer as aforesaid to abscond, the Justice or the Sheriff before whom the complaint is made may, instead of issuing his summons, issue his warrant for bringing such officer before such two Justices as aforesaid if the warrant be issued by a Justice, or before such Sheriff if the warrant be issued by him; but no person executing such warrant shall keep such officer in custody longer than twenty-four hours without bringing him before some Justice or the Sheriff, according as he may be summoned before the one or the other; and the Justice or Sheriff before whom such officer may be brought may either discharge such officer, if he think there is no sufficient ground for his detention, or order such officer to be detained in custody so as to be brought before two Justices at a time and place to be named in such order, unless such officer gave bail to the satisfaction of such Justice for his appearance before such Justices to answer the complaint of the Commissioners.

Proceedings against officers not to discharge sureties.

LXXIV. No such proceeding against or dealing with any such officer as aforesaid shall deprive the Commissioners of any remedy which they might otherwise have against any surety of such officer.

Mortgages.

And with respect to the mortgages to be executed by the Commissioners, be it enacted as follows:

Form of Mortgage

LXXV. Every mortgage or assignation in security of rates or other property authorized to be made under the provisions of this or the special Act shall be by deed duly stamped, in which the consideration shall be duly stated; and every such deed shall be under the Common Seal of the Commissioners if they be a body corporate, or if they be not a body corporate shall be executed by the Commissioners, or any five of them,¹ and may be according to the form in the schedule (B) to this Act annexed or to the like effect; and the respective mortgagees or assignees in security shall be entitled one with another to their respective proportions of the rates and assessments or other property comprised in such mortgages or assignations respectively, according to the respective sums in such mortgages or assignations mentioned to be advanced by such mortgagees or assignees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of the priority of advancing such monies, or of the dates of any such mortgages or assignations respectively.

¹ But see section 109 of "The Glasgow Corporation Waterworks Act, 1855," (p. 39); section 14 of the Amendment Act, 1865, (p. 66); and section 7 of the Amendment Act, 1877, p. 96.

LXXXVI. A Register of mortgages or assignments in security shall be kept by the clerk to the Commissioners, and where by the special Act the Commissioners are authorized or required to raise separate sums on separate rates or other property, a separate register shall be kept for each class of mortgages or assignments in security, and within fourteen days after the date of any mortgage or assignment in security an entry or memorial of the number and date thereof, and of the names of the parties thereto, with their proper additions, shall be made in the proper register, and every such register may be perused at all reasonable times by any person interested in any such mortgage or assignment in security without fee or reward.

Register of
Mortgages
to be kept
and to be
open to In-
spection.

LXXXVII. Any person entitled to any such mortgage or assignment may transfer his right and interest therein to any other person; and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated; and every such transfer may be according to the form in the schedule (C) to this Act annexed, or to the like effect.

Transfers of
Mortgages.

LXXXVIII. Within thirty days after the date of every such transfer, if executed within the United Kingdom, or otherwise within thirty days after the arrival thereof in the United Kingdom, it shall be produced to the Clerk to the Commissioners, and thereupon such clerk shall cause an entry or memorial thereof to be made, in the same manner as in the case of the original mortgage or assignment in security, and for such entry the clerk may demand a sum not exceeding five shillings; and after such entry every such transfer shall entitle the transferee, his executors, administrators, or assigns, to the full benefit of the original mortgage or assignment in security, and the principal and interest thereby secured; and such transferee may in like manner assign or transfer the same again, *toties quoties*; and it shall not be in the power of any person, except the person to whom the same shall have been last transferred, his executors, administrators, or assigns, to make void, release, or discharge the mortgage or assignment so transferred, or any money thereby secured.

Register of
Transfers
to be kept.

LXXXIX. Unless otherwise provided by any mortgage or assignment in security, the interest of the money borrowed thereupon shall be paid half-yearly to the several parties entitled thereto.

Interest on
mortgages
to be paid
half-yearly.

LXXX. If the Commissioners can at any time borrow or take up any sum of money at a lower rate of interest than any securities given by them and then be in force shall bear, they may borrow such sum at such lower rate as aforesaid, in order to pay off and discharge the securities bearing such higher rate of interest, and may charge the rates and other property which they may be authorized to mortgage or assign in security under this or the special Act, or any part thereof, with payment of such sum and such lower rate of interest, in such manner and subject to

Power to bor-
row money at
a lower rate
of interest to
pay off securi-
ties at a
higher rate.

such regulations as are herein contained with respect to other monies borrowed on mortgage or assignation in security.

Repayment of money borrowed at a time and place agreed upon.

LXXXI. The Commissioners may, if they think proper, fix a period for the repayment of all principal monies borrowed under the provisions of this or the special Act, with the interest thereof, and in such case the Commissioners shall cause such period to be inserted in the mortgage deed or assignation in security; and upon the expiration of such period the principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to receive such principal money and interest, and if no other place of payment be inserted in such deed such principal and interest shall be payable at the office of the Commissioners.

Repayment of money borrowed when no time or place has been agreed upon.

LXXXII. If no time be fixed in the mortgage deed or assignation in security for the repayment of the money so borrowed, the party entitled to receive such money may, at the expiration or at any time after the expiration of twelve months from the date of such deed, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months previous notice for that purpose, and in the like case the Commissioners may at any time pay off the money borrowed, on giving the like notice; and every such notice shall be in writing or print, or both, and if given by a mortgagee or creditor shall be delivered to the clerk or left at the office of the Commissioners, and if given by the Commissioners shall be given either personally to such mortgagee or creditor, or left at his residence, or if such mortgagee or creditor be unknown to the Commissioners, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the *London Gazette* if the office of the Commissioners is in England, the *Edinburgh Gazette* if it is in Scotland, or in the *Dublin Gazette* if it is in Ireland.

Interest to cease on expiration of notice to pay off a mortgage debt.

LXXXIII. If the Commissioners shall have given notice of their intention to pay off any such mortgage or assignation in security at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable thereon, unless, on demand of payment made pursuant to such notice, or at any time thereafter, the Commissioners fail to pay the principal and interest due at the expiration of such notice on such mortgage or assignation in security.

Monies borrowed on security of rates to be paid off in a limited period.

LXXXIV. In order to discharge the principal money borrowed as aforesaid on security of any of the rates, the Commissioners shall every year appropriate and set apart out of such rates respectively a sum equal to the prescribed part,¹ and if no part be prescribed one-twentieth part of the sums so borrowed respectively, as a sinking fund to be applied in paying off the respective principal monies so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of Exchequer Bills or other Government securities, or in Scotland deposited in one of

the banks there incorporated by Act of Parliament or Royal Charter, and to be increased by accumulation in the way of compound interest or otherwise, until the same respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable, or some part thereof, which the Commissioners shall think ought then to be paid off, at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

¹ See section 119 of "The Glasgow Corporation Waterworks Act, 1855," p. 43.

LXXXV. Whenever the Commissioners shall be enabled to pay off one or more of the mortgages or assignations in security which shall be then payable, and shall not be able to pay off the whole of the same class, they shall decide the order in which they shall be paid off by lot among the class to which such one or more of the mortgages or assignations in security belong, and shall cause a notice, signed by their clerk, to be given to the persons entitled to the money to be paid off, pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified, at the expiration of six months from the date of giving such notice.

Mode of paying off mortgages.

LXXXVI. Where by the special Act the mortgagees or assignees in security of the Commissioners are empowered to enforce the payment of the arrears of interest, or the arrears of principal and interest due to them, by the appointment of a receiver, then, if within thirty days after the interest accruing upon any such mortgage or assignation in security has become payable, and, after demand thereof in writing, the same be not paid, the mortgagee or assignee in security may, without prejudice to his right to sue for the interest so in arrear in any of the superior Courts, require the appointment of a receiver, by an application to be made as hereinafter provided; and if within six months after the principal money owing upon any such mortgage or assignation in security has become payable, and after demand thereof in writing the same be not paid, together with all interest due in respect thereof, the mortgagee or assignee in security, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any of the superior Courts, may, if his debt amount to the prescribed sum, alone, or if his debt do not amount to the prescribed sum, he may in conjunction with other mortgagees or assignees in security whose debts being so in arrear, after demand as aforesaid, together with his amount to the prescribed sum, require the appointment of a receiver, by an application to be made as hereinafter provided.

Arrears of interest, when to be enforced by appointment of a receiver.

Arrears of principal and interest.

LXXXVII. Every application for a receiver in the cases aforesaid shall in England or Ireland be made to two Justices, and in Scotland to the Sheriff, and on any such application such Justices or the Sheriff shall appoint a receiver.

As to the appointment of a receiver.

or Sheriff may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the rates or sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of receiving the rates or sums aforesaid, be fully paid; and upon such appointment being made, all such rates and sums of money as aforesaid, or such part thereof as may be ordered by the said Justices or Sheriff, shall be paid to the person so to be appointed, and the money so paid shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such receiver shall have been appointed, and after such interest and costs, or such principal, interest, and costs, have been so received, the power of such receiver shall cease.

Account
books to be
open to the
inspection of
mortgagees.

LXXXVIII. The books of account of the Commissioners shall be open at all seasonable times to the inspection of the respective mortgagees or assignees in security of the Commissioners, with liberty to take extracts therefrom, without fee or reward.

Accounts.

And with respect to the accounts to be kept by the Commissioners, be it enacted as follows:—

Accounts to
be kept of re-
ceipts and
disburse-
ments, which
shall be open
for inspection.

LXXXIX. The Commissioners shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid for and on account of this and the special Act, and of the several purposes for which such sums of money shall have been received and paid, which books shall at all reasonable times be open to the inspection of any of the Commissioners, and any mortgagee, assignee in security, or other creditor of the Commissioners, without fee or reward, and the Commissioners and persons aforesaid, or any of them, may take copies of or extracts from the said books without paying anything for the same; and any clerk or other person having the custody of the said books who shall not, on any reasonable demand of any Commissioner, mortgagee, or creditor as aforesaid, permit him to inspect the said books, or to take such copies or extracts as aforesaid, shall be liable to a penalty of five pounds for every such offence.

Penalty for
refusal.

See also section 10 of "The Glasgow Corporation Waterworks Act, 1855," p. 6.

Statement of
accounts to
be prepared
and to be open
for inspection.

XC. The Commissioners shall cause their accounts to be balanced in each year to a period not less than one month before the Annual General Meeting at which they are to be produced, as after mentioned; and fourteen days at the least before such meeting the Commissioners shall cause a full and true statement and account to be drawn out of the amount of all rates or assessments made, and of all contracts entered into, and of all

monies received and expended by virtue of this or the special Act during the preceding year, and also of all debts then owing by the Commissioners, and they shall cause such statement and account to be printed, and shall allow the same to remain for inspection at the Office of the Commissioners; and every creditor on the rates and assessments by this or the special Act, or any Act incorporated therewith, authorized to be made, and every person paying any such rate or assessment, or any person acting on behalf of any such creditor or ratepayer, may at all reasonable times inspect such statement and account, and compare the same with the books and documents relating thereto in the possession of the Commissioners; and the Clerk shall, on demand, furnish a printed copy of the said statement and account to every such creditor and ratepayer without fee; and fourteen days at the least before to the meeting for examining and settling such account the Commissioners shall give public notice of such intended meeting, stating in such notice that the said statement and account are printed, and lie at the Office of the Commissioners ready for the inspection of the creditors and ratepayers or other parties interested.

Copies of such statement to be furnished.

See sections 14 and 15 of "The Glasgow Corporation Waterworks Amendment Act, 1859," p. 51.

XCI. The accounts of the Commissioners, so balanced as aforesaid, together with the said statement and account, shall be produced at the Annual Meeting of the Commissioners, or at some adjournment thereof, at which meeting all creditors and ratepayers and other persons interested may be present, and the accounts shall be then finally examined and settled by the Commissioners, and if the same be found just and true they shall be allowed by the Commissioners, and certified accordingly under the hand of the Chairman of such meeting; and after such accounts have been so allowed and signed by such Chairman, and also by the auditors, as hereinafter provided, the same shall be final in regard to all persons whomsoever, unless an appeal be prosecuted against such accounts as hereinafter provided.

Accounts to be examined and settled at the Annual Meeting.

See sections 14 and 15 of "The Glasgow Corporation Waterworks Amendment Act, 1859," p. 51.

XCV. The Commissioners shall every year cause an annual account in abstract to be prepared, showing the total receipt and expenditure of all funds levied by virtue of this and the special Act, and any Act incorporated therewith, for the year ending on the day down to which their accounts shall have been made up for the said annual meeting, or some other convenient day in each year, under the several distinct heads of Receipt and Expenditure, with a statement of the balance of such account, duly audited and certified by the chairman of the Commissioners, and also by the auditors thereof, and shall, if the undertaking is situated in England or Ireland, send a copy of the said account free of charge to the Clerk of the Peace for the County where the undertaking is

Annual Account to be made up and transmitted to the Clerk of the Peace in England or Ireland, or to the Sheriff-Clerk in Scotland, and to be open to inspection.

situate, and, if the undertaking is situated in Scotland, shall send such copy to the Sheriff Clerk of such county, on or before the thirty-first day of January then next, or within one month after the same has been duly audited, which account shall be open to the inspection of the public at all reasonable hours, on payment of the sum of one shilling for every such inspection; and if the Commissioners shall omit to prepare and transmit such account as aforesaid, they shall be liable for every such omission to a penalty of twenty pounds.

See sections 14 and 15 of "The Glasgow Corporation Waterworks Amendment Act, 1859," p. 51.

Byelaws. And with respect to the making of Byelaws, be it enacted as follows :—

Power to make Byelaws for regulating the conduct of the officers, &c., of the Commissioners.

XCVI. The Commissioners may from time to time make such byelaws¹ as they think fit, for the purpose of regulating the conduct of the officers and servants of the Commissioners, and for providing for the due management of the affairs of the Commissioners, and may from time to time alter or repeal any such byelaws, and make others, provided such byelaws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act; and such byelaws shall be reduced into writing, and shall have affixed thereto the common seal of the Commissioners, where the Commissioners are a body corporate, or shall be signed by the Commissioners or any two of them, where they are not a body corporate;² and a copy of such byelaws shall be given to every officer and servant of the Commissioners affected thereby.

¹ See also section 21 of "The Glasgow Corporation Waterworks Amendment Act, 1865" (p. 68), and section 30 of the Amendment Act, 1866 (p. 84), for power to make byelaws.

² Certain byelaws which have been made by the Glasgow Corporation Water Commissioners, in virtue of this section, will be found in the Appendix, p. 213.

Fines for Breach of such byelaws.

XCVII. The Commissioners may by such byelaws impose such reasonable penalties upon all persons, being officers or servants of the Commissioners, offending against such byelaws as the Commissioners think fit, not exceeding five pounds for any one offence.

Byelaws to be so framed as that penalties may be mitigated.

XCVIII. All the byelaws to be made by the Commissioners shall be so framed as to allow the Justice or the Sheriff before whom any penalty imposed thereby may be sought to be recovered to order a part only of such penalty to be paid, if such Justice or Sheriff think fit.

Notices.

And with respect to giving notices and orders, be it enacted as follows :

Service of notices upon Commissioners.

XCIX. Any summons or notice, or any writ or other proceeding at law or in equity, requiring to be served upon the Commissioners, may be served by the same being left at or sent

through the Post Office, directed to the Commissioners, at their principal office, or one of their principal offices where there shall be more than one, or by being given personally to the clerk, or in case there be no clerk, then by being given to any one Commissioner.

C. All notices required by this or the special Act, or any Act incorporated therewith, to be given by advertisement, shall be advertised in the prescribed newspaper, or if no newspaper be prescribed, or if the prescribed newspaper cease to be published, in a newspaper circulating in the district within which the undertaking shall be situated. Notices by
Advertisement.

CI. Every order, summons, notice, or other such document requiring authentication by the Commissioners shall be sufficiently authenticated if signed by two Commissioners, or by the clerk of the Commissioners, and it need not be under the Common Seal of the Commissioners, although they be incorporated, and the same may be in writing or in print, or partly in writing and partly in print. Authenti-
cation of
notices and
orders.

CII. And with respect to the proof of debts in bankruptcy or insolvency, be it enacted, That if any person against whom the Commissioners have any claim or demand become bankrupt, or take the benefit of any Act for the relief of insolvent debtors, the clerk or treasurer of the Commissioners, in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration, or act of insolvency against such bankrupt or insolvent, may represent the Commissioners, and act on their behalf, in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer, and not of the Commissioners. Proof of
debts in
bankruptcy.

CIII. And with respect to tender of amends, be it enacted, That if any person shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or by virtue of any power or authority thereby given, and if before action brought in respect thereof such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender have been made, the defendant, by leave of the Court where such action is pending, may, at any time before issue joined, pay into Court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court. Tender of
amends.

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices or to the Sheriff, be it enacted as follows: Recovery of
Damages
and
Penalties.

CIV. If the undertaking be situate in *England* or *Ireland* the clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and Railways
Clauses Con-
solidation

Acts, 1845,
as to damages,
etc., to be
incorporated
with this and
the special
Act.

of penalties, and to the determination of any other matter referred to Justices, shall be incorporated with this and the special Act; and if the undertaking be situate in *Scotland* the clauses of the Railways Clauses Consolidation Act (*Scotland*), 1845,¹ with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the Sheriff or to Justices, shall be incorporated with this and the special Act; and such clauses shall apply to the undertaking, and to the Commissioners respectively, and shall be construed as if the word "Commissioners" had been inserted therein instead of the word "Company."

¹ See sections 132 to 152 of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," Appendix, pp. 183 to 188.

All things re-
quired to be
done by two
Justices in
England and
Ireland may,
in certain
cases, be done
by one, and in
Scotland by
the Sheriff, &c.

CV. All things herein or in the special Act, or any Act incorporated herewith, authorized or required to be done by two Justices, may and shall be done in *England* and *Ireland* by any one magistrate having by law authority to act alone for any purpose with the powers of two or more Justices, and in *Scotland* by the Sheriff or Steward of any county or stewartry or ward, or his substitute.

Persons
giving false
evidence
liable to
penalties of
perjury.

CVIII. Every person who, upon any examination upon oath under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

Nothing in
this or the
special Act
to affect the
Rights of the
Crown.

CIX. And be it enacted, That nothing in this or the special Act shall be deemed to extend to or affect any Act of Parliament relating to Her Majesty's duties of Customs or Excise, or any other revenue of the Crown, or to extend to or affect any claim of Her Majesty in right of Her Crown, or otherwise howsoever, or any proceedings at law or in equity by or on behalf of Her Majesty, in any part of the United Kingdom of *Great Britain* and *Ireland*.

Access to
Special Act.

And with respect to access to the special Act, be it enacted as follows:

Copies of
special Act
to be kept
by Commis-
sioners at
their office,
and deposited
with the
Clerks of the
Peace, &c.,
and be open
to inspection.

CX. The Commissioners shall, at all times after the expiration of six months after the passing of the special Act, keep in their principal office of business a copy of the special Act, printed by the printers to Her Majesty or some of them, and shall also, within the space of such six months, deposit in the office of the Clerk of the Peace in *England* or *Ireland*, and of the Sheriff Clerk in *Scotland*, of the county in which the undertaking is situate, a copy of such special Act so printed as aforesaid; and the said Clerk of the Peace and Sheriff Clerk respectively shall receive, and they and the Commissioners respectively shall keep, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and

sections by an Act passed in the first year of the reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for 7 W. 4 & counties and other persons to take the custody of such documents as shall 1 Vict., c. 83. be directed to be deposited with them under the Standing Orders of either House of Parliament.*

CIX. If the Commissioners fail to keep or deposit as herein- Penalty on before mentioned any of the said copies of the special Act, they Commission- shall forfeit twenty pounds for every such offence, and also five ers failing to keep or pounds for every day afterwards during which such copy shall be deposit such not so kept or deposited. copies.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (C) Sect. 77.

Form of Transfer of Mortgage.

I, *A.B.* of in consideration of the sum of
paid to me by *C.D.* of do hereby transfer to the
said *C.D.*, his executors, administrators, and assigns, a certain
mortgage [*or, if the deed be granted in Scotland, a certain assigna-*
tion in security], Number made by "The Commissioners
for executing the [*here name the special Act*] to
bearing date the day of for securing
the sum of and interest [*or, if such*
transfer be by endorsement, the within security], and all my right,
estate, and interest in and to the money thereby secured, and in
and to the rates, rents, profits, or other monies thereby assigned.
In witness whereof I have hereunto set my hand and seal [*or, if*
the deed be granted in Scotland, insert the testing clause required by the
Law of Scotland] this day of One
thousand eight hundred and

(2.) THE WATERWORKS CLAUSES ACT, 1847.

(10 VICT. C. 17.)

By section 5 of "The Glasgow Corporation Waterworks Act, 1855," and other sections of subsequent Amendment Acts, the following clauses are incorporated from "The Waterworks Clauses Act, 1847."

Interpretations in this Act :

And with respect to the construction of this Act and any Act incorporated therewith, be it enacted as follows :

II. The expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the construction of Waterworks, and with which this Act shall be incorporated ; and the word "prescribed" used in this Act in reference to any matter herein stated shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used ; and the expression "the lands and streams" shall mean the lands and streams of water which shall by the special Act be authorized to be taken or used for the purposes thereof ; and the expression "the undertaking" shall mean the waterworks, and the works connected therewith, by the special Act authorized to be constructed ; and the expression "the undertakers" shall mean the persons by the special Act authorized to construct the waterworks.

Interpretations in this and the special Act.

III. The following words and expressions, in both this and the special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction ; (that is to say),

Words importing the singular number shall include the plural number, and words importing the plural number only shall include also the singular number :

Words importing the masculine gender shall include females :

The word "Person" shall include a corporation, whether aggregate or sole :

The word "Lands" shall include messuages, lands, tenements, and hereditaments, or heritages of any tenure :

The word "Streams" shall include springs, brooks, rivers, and other running waters :

The word "Street" shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place within the limits of the special Act :

The expression "the Waterworks" shall mean the Waterworks and the works connected therewith, by the special Act authorized to be constructed :

The expression "Water Rate" shall include any rent, reward, or payment to be made to the undertakers for a supply of water :

The word "Month" shall mean calendar month :

The expression "Superior Courts," where the matter submitted to the cognizance of the Court arises in England or Ireland, shall mean Her Majesty's superior Courts of Record at Westminster or Dublin, as the case may require, and shall include the Court of Common Pleas of the County Palatine of Lancaster, and the Court of Pleas of the County of Durham, and where such matter arises in Scotland it shall mean the Court of Session :

The word "Oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by law to make a declaration instead of taking an oath :

The word "County" shall include riding or other division of a county having a separate Commission of the Peace, and in Scotland stewartry, and any ward or other division of a county or stewartry having a separate Sheriff, and it shall also include county of a city or county of a town :

The word "Justice" shall mean Justice of the Peace acting for the place where the matter requiring the cognizance of any such Justice arises ; and if such matter arise in respect of lands or streams situated not wholly in one jurisdiction, shall mean a Justice acting for the county or place where any part of such lands or streams shall be situated ; and where any matter is authorised or required to be done by two Justices, the expression "two Justices" shall be understood to mean two or more Justices met and acting together ;

The word "Sheriff" shall mean the Sheriff Depute of the county or ward of a county in Scotland and the Steward Depute of the stewartry in Scotland in which the matter submitted to the cognizance of the Sheriff arises, and shall include the Substitutes of such Sheriff Depute and Steward Depute respectively :

The expression "the Town Commissioners" shall mean the parties defined under that title in the special Act, and where no such parties shall be there defined shall mean the Commissioners, Trustees, or other parties having the control or management of the streets under any Act for paving or improving the town or district to be supplied with water under the special Act :

The word "Inspector" shall mean an officer appointed under any local Act relating to the town or district supplied with

water under the special Act, for the purpose of inspecting or superintending works connected with the paving, drainage, or supply of water of such town or district, or an officer appointed under any general Act for executing the like duties with respect to such town or district together with other towns or districts.

*Construction
of
Waterworks.*

And with respect to the construction of the waterworks, be it enacted as follows :

*Construction
of Water-
works to be
subject to
the provi-
sions of this
Act and the
Lands Clauses
Consolidation
Acts, 1845.*

VI. Where by the special Act the undertakers shall be empowered, for the purpose of constructing or supplying waterworks, to take or use any lands or streams otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the power so given to them, be subject to the provisions and restrictions contained in this Act, and if the waterworks be situated in England or Ireland, to the provisions and restrictions contained in the Lands Clauses Consolidation Act, 1845, and if the waterworks be situated in Scotland, the provisions and restrictions contained in the Lands Clauses Consolidation, Scotland, Act, 1845;¹ and shall make to the owners and occupiers of and all other parties interested in any lands or streams taken or used for the purposes of the special Act, or injuriously affected by the construction or maintenance of the works thereby authorized, or otherwise by the execution of the powers thereby conferred, full compensation for the value of the lands and streams so taken or used, and for all damage sustained by such owners, occupiers, and other persons, by reason of the exercise, as to such lands and streams, of the powers vested in the undertakers by this or the special Act, or any Act incorporated therewith;² and except where otherwise provided by this or the special Act, the amount of such compensation shall be determined in the manner provided by the said Lands Clauses Consolidation Acts respectively for determining questions of compensation with regard to lands purchased or taken under the provisions thereof, and all the provisions of the said last-mentioned Acts respectively shall be applicable to determine the amount of any such compensation, and to enforce payment or other satisfaction thereof.

¹ By section 83 of "The Lands Clauses Consolidation (Scotland) Act, 1845" (which Act is incorporated with the Glasgow Corporation Waterworks Acts), it is provided that "The promoters of this undertaking shall not, except by consent of the owners and occupiers, enter upon any lands which shall be required to be purchased or permanently used for the purposes and under the powers of this or the special Act, until they shall either have paid to every party having any interest in such lands or deposited in the bank in the manner herein mentioned, the purchase money or compensation agreed or awarded to be paid to such parties respectively for their respective interests therein: provided always that for the purpose merely of surveying and taking levels of such lands, and of probing or boring, to ascertain the nature of the soil and of setting out the line of the works, it shall be lawful for the promoters of the undertaking, after giving not less than three, nor more than fourteen days' notice to the owners or

occupiers thereof, to enter upon such lands without previous consent, making compensation for any damage thereby occasioned to the owners or occupiers thereof." It has been held by the First Division of the Court of Session that this provision gives a company no power to enter, even for these limited purposes, except upon lands which they are already under an obligation permanently to take for the purposes of the undertaking. There must have been either an undertaking to purchase the lands, or such procedure under the statute as is equivalent to such a contract. See *Dalglish v. The Stirling and Dunfermline Railway Co.*, 21 Jan. 1847, 9 D. 505.

Where a work of a public character (as a canal) has been constructed under the authority of an act of parliament, a right of action for an injury not occasioned wilfully, nor by any act necessarily causing it, but arising from the user of the work (as for instance, through the overflow of the water of the canal), must be founded on negligence, and negligence is of the essence of the action; and although the jury has given a verdict for the plaintiff, and it has been proved that the proximate cause of the injury was an act of the company's servants (as raising a flood-gate), yet if it is doubtful whether that act necessarily must have caused the injury, and the jury also finds that there was no negligence, the verdict will be entered for the company. *Whitehouse v. Birmingham Canal Co.*, 27 L. J., Exch. 25. See *Blyth v. Birmingham Waterworks Co.*, 11 Exch. 781; 25 L. J., Exch. 212; 2 Jur., N.S. 333.

A water company having observed the directions of the act of parliament in laying down their pipes, is not responsible for an escape of water from them not caused by their own negligence. Thus where, by a frost of a severity rarely felt in England, a fireplug which had resisted the frost for twenty-five years, was forced out, and the water escaped from the main, but owing to the stopper above the plug being covered with ice and snow the water could not rise to the surface, but was forced through the brickwork round the neck of the main, and made its way into the plaintiff's cellar, where it did damage: it was held, that the company were not liable, since the accident arose from a frost of extraordinary severity, the effects of which the company could not foresee or be expected to guard against, and consequently that there was no negligence on their part. *Blyth v. Birmingham Waterworks Co.*, 11 Exch. 781; 25 L. J., Exch. 212; 2 Jur., N. S. 333. See also *Whitehouse v. Birmingham Canal Co.*, 27 L. J., Exch. 25.

VIII. The undertakers shall not begin to execute the waterworks unless they shall have previously deposited with the Clerk of the Peace in England or Ireland, and the Sheriff Clerk in Scotland, of every county, and the Town Clerk of every Royal Burgh in Scotland, in which the waterworks shall be situated, a plan and section of all such alterations from the original plan and section (if any) as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and section of the waterworks, and shall also have deposited with the Parish Clerks of the several parishes in England, and the Clerks of the Unions of the several parishes in Ireland, and the schoolmasters of the several parishes in Scotland, in which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes respectively.

Works not to be proceeded with until plans of all alterations authorized by Parliament have been deposited.

Clerks of the Peace, &c., to receive plans of alterations, &c., and allow

IX. The said Clerks of the Peace, Sheriff Clerks, and Town Clerks, Parish Clerks, Clerks of Unions, and schoolmasters, shall receive the said plans and sections of alterations, and copies and extracts thereof respectively, and shall keep the same, as well as the said original plans and sections, and shall allow all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, in the like manner and upon the like terms, and under the like penalty for default, as is provided in the case of the original plans and sections by an Act passed in the first year of the reign of Her Majesty, intituled "An Act to compel Clerks of the Peace for counties, and other persons, to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament."

Copies of plans and alterations, &c. to be evidence.

X. Copies of the said plans and books of reference, or of any alteration or correction thereof or extracts therefrom, certified by any such Clerk of the Peace, Sheriff Clerk, or Town Clerk, which certificate such Clerk shall give to all parties interested, when required, shall be received in all Courts of Justice or elsewhere as evidence of the contents thereof.

Not to deviate beyond limits defined upon plans, &c.

XI. The undertakers in constructing the waterworks shall not deviate from the line of the works laid down in the said plan more than the prescribed number of yards, and where no number of yards is prescribed not more than ten yards, nor in any case to any greater extent than the line of lateral deviation described in the said plans with respect to such works, nor take nor use, for the purpose of such deviation, the lands of any persons not mentioned in the books of reference without his previous consent in writing, unless the name of such person shall have been omitted by mistake, and the fact that such omission happened from mistake shall have been certified in manner hereinbefore provided.

Undertakers, subject to provisions of this and the special Act, may execute the works herein named.

XII. Subject to the provisions and restrictions in this and the special Act, and any Act incorporated therewith, the undertakers may execute any of the following works for constructing the waterworks; (that is to say,)

They may enter upon any lands and other places described on the said plans and in the said books of reference, and take levels of the same, and set out such parts thereof as they shall think necessary, and dig and break up the soil of such lands, and trench and sough the same, and remove or use all earth, stone, mines, minerals, trees, or other things dug or gotten out of the same:¹

They may from time to time sink such wells or shafts, and make, maintain, alter, or discontinue such reservoirs, waterworks, cisterns, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines, and other works, and erect such buildings, upon the lands and streams authorized to be taken by them, as they shall think proper, for supplying

the inhabitants of the town or district within the prescribed limits with water:

They may from time to time divert and impound the water from the streams mentioned for that purpose in the special Act, or the said plans or books of reference, and alter the course of any such streams, not being navigable, and also take such waters as may be found in and under or on the lands to be taken for constructing the works:

Provided always, that in the exercise of the said powers the undertakers shall do as little damage as can be, and in all cases where it can be done shall provide other watering places, drains, and channels for the use of adjoining lands, in place of any such as shall be taken away or interrupted by them, and shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers.²

Undertakers to make compensation for damages.

¹ and ² See note (1) to section 6 of this Act.

² This section does not empower a company to execute any works which are not authorized by the special Act of such company. See *Simpson v. South Staffordshire Waterworks Co.*, 34 L. J., Ch. 380.

XIII. Every person who shall wilfully obstruct any person acting under the authority of the undertakers in setting out the line of the works, or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such works, or deface or destroy any works made for the same purpose, shall be liable to a penalty not exceeding five pounds for every such offence.

Penalty for obstructing construction of works.

XIV. After the streams or supplies of water hereby or by the special Act authorized to be taken by the undertakers shall have been so taken, every person who shall illegally divert or take the waters supplying or flowing into the streams so taken, or any part thereof, or who shall do any unlawful Act whereby the said streams or supplies of water may be drawn off or diminished in quantity, and who shall not immediately repair the injury done by him, on being required so to do by the undertakers, so as to restore the said waters to the state in which they were before such Act, shall forfeit to the undertakers any sum which shall be awarded, in England or Ireland, by two Justices, and in Scotland by the Sheriff, not exceeding five pounds for every day during which the said supply of water shall be diverted or diminished by reason of any act done by or by the authority of such person, and any sum so forfeited shall be in addition to the sum which he may be lawfully adjudged liable to pay to the undertakers for any damage which they may sustain by reason of their supply of water being diminished; and the payment of the sum so forfeited shall not bar or affect the right of the undertakers to bring or raise an action at law against such person for the damage so committed.

Penalty for illegally diverting water.

As to recovery of penalties see section 85 of this Act.

Reservation
of existing
rights.

XV. Provided always, That nothing herein contained shall prevent the owners and occupiers for the time being of lands through or by which such streams shall flow from using the waters thereof in such manner and to such extent as they might have done before the passing of the special Act, unless they shall have received compensation in respect of their right of so using such water.

Accommodation Works.

And with respect to the construction of works for the Accommodation of lands adjoining the waterworks, be it enacted as follows :—

Differences
as to the
construction
of accommoda-
tion works
to be settled
by Justices.

XVI. Where by the special Act the undertakers shall be required to erect any works for making good the interruption caused to any lands adjoining or near the waterworks, or otherwise for the accommodation of such lands, then, if any difference shall arise respecting the construction of any such accommodation works, or the kind or size or sufficiency thereof, or respecting the maintenance thereof, the same shall be determined in England or Ireland by two Justices, and in Scotland by the Sheriff, and such Justices or Sheriff shall also appoint the time within which such accommodation works shall be begun and finished by the undertakers.

If under-
takers fail to
execute such
works,
persons ag-
grieved may
perform the
same and
charge the
expense to
the under-
takers.

XVII. If the undertakers shall, for fourteen days next after the time appointed by such Justices or Sheriff for the beginning of any such accommodation works, fail to begin such works, or, having begun such works, fail diligently to execute the same in a sufficient manner, the person aggrieved by such failure may execute such works or repairs; and the reasonable expenses thereof shall, on demand, be repaid by the undertakers to the person by whom the same shall so have been executed; and if there be any dispute about the amount or nature of such expenses, the same shall be settled in England or Ireland by two Justices, and in Scotland by the Sheriff.

Mines.

And with respect to mines, be it enacted as follows :—

Undertakers
not entitled
to mines
unless pre-
viously pur-
chased.

XVIII. The undertakers shall not be entitled to any mines of coal, ironstone, slate, or other minerals under any land purchased by them, except only such parts thereof as shall be necessary to be dug or carried away or used in the construction of the waterworks, unless the same shall have been expressly purchased; and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby.

Map and
plan of
underground
works of
undertakers
to be made.

XIX. The undertakers shall from time to time, within six months from the time at which any pipes, conduits or underground works shall have been laid down or formed by them, cause a survey and map to be made of the district within which any such pipes or underground works shall be laid, on a scale not less

than one foot to a mile, and shall cause to be marked thereon the course and situation of all existing pipes or conduits for the collection, passage, or distribution of water and underground works belonging to them, in order to show all such underground works within the said district, and shall, within six months from the making of any alterations or additions, cause the said map to be from time to time corrected, and such additions made thereto as may show the line and situation of all such pipes, conduits, and underground works as may be laid down or formed by them from time to time after the passing of the special Act; and such map and plan, or a copy thereof with the date expressed thereon of the last time when the same shall have been so corrected as aforesaid, shall be kept in the office of the undertakers, and shall be open to the inspection of all persons interested in the same within the said district.

XX. The undertakers shall from time to time within three months from the time at which any such map or plan, or any such correction thereof or addition thereto, shall have been made as aforesaid, deposit with the Clerks of the Peace in England or Ireland, and with the Sheriff-Clerks in Scotland, of every county, and the Town Clerk of every burgh in Scotland, in which such district or any part thereof may be situate, and also with the Parish Clerks of the several parishes in England, and Clerks of the Union of the several parishes in Ireland, and the schoolmasters of the several parishes in Scotland, in which such underground works shall be situate, copies of the said map or plan, with all such particulars, and all such corrections and additions as aforesaid, so far as relates to such counties, burghs, and parishes respectively.

Copies of such map or plan to be deposited with Clerks of the Peace, &c.

XXI. The said Clerks of the Peace, Sheriff-Clerks, and Town-Clerks, Parish Clerks, Clerks of the Union, and Schoolmasters shall receive the said copies of the said map and plan respectively, and shall keep the same, and shall allow all persons interested to inspect the same, and take copies or extracts of and from the same, &c., and in the like manner and upon the like terms, and under the like penalty for default, as is provided in the case of maps and plans deposited under an Act passed in the first year of the reign of her Majesty, intituled, "An Act to compel Clerks of the Peace for counties, and other persons, to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament."

Clerks of the Peace, &c., to receive and keep copies of the map, &c., and allow inspection.

7 W. 4 and 1 Vict., c. 83.

XXII. Except where otherwise provided for by agreement between the undertakers and other parties, if the owner, lessee, or occupier of any mines or minerals lying under the reservoirs or buildings belonging to the undertakers, or under any of their pipes or works which shall be under ground, and shall be described in the map or plan which shall be so kept and deposited as hereinbefore mentioned, or within the prescribed distance, if any, and if no distance be prescribed within forty yards therefrom, be desirous of working the same, such owner, lessee, or occupier shall

Mines lying near the works not to be worked until owners give notice to undertakers of their intentions.

Upon receipt of notice undertakers may take the mines, making compensation to the owners.

give the undertakers notice in writing of his intention so to do thirty days before the commencement of working ; and upon the receipt of such notice it shall be lawful for the undertakers to cause such mines to be inspected by any person appointed by them for the purpose, and if it appear to the undertakers that the working of such mines or minerals is likely to damage the said works, and if they be willing to make compensation for such mines to such owner, lessee, or occupier thereof, then he shall not work the same ; and if the undertakers and such owner do not agree as to the amount of such compensation, the same shall be settled as in other cases of disputed compensation.

If Company unwilling to treat for payment of compensation, owner may work the mines.

Owners to make good damage occasioned by working the mines in an unusual manner.

XXIII. If before the expiration of such thirty days the undertakers do not state their willingness to treat with such owner, lessee, or occupier, for the payment of such compensation, it shall be lawful for him to work the said mines, and to drain the same, by means of engines or otherwise, as if this Act and the special Act had not been passed, so that no wilful damage be done to the said works, and so that the said mines be not worked in an unusual manner ; and if any damage or obstruction be occasioned to the works of the undertakers by the working of such mines in an unusual manner, the same shall be forthwith repaired or removed (as the case may require), and such damage made good, by the owner, lessee, or occupier of such mines or minerals, and at his own expense, and if such repair or removal be not forthwith done, or if the undertakers shall so think fit, without waiting for the same to be done by such owner, lessee, or occupier, it shall be lawful for the undertakers to execute the same, and recover from such owner, lessee, or occupier the expense occasioned thereby by action in any of the Superior Courts.

Mining communications.

XXIV. If the working of any such mines under the said works of the undertakers or within the above-mentioned distance therefrom be prevented as aforesaid by reason of apprehended injury to such works, it shall be lawful for the respective owners, lessees, and occupiers of such mines to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata the working whereof shall be so prevented as may be requisite to enable them to ventilate, drain, and work any mines or minerals on each or either side thereof, but no such airway, headway, gateway, or water level shall be of greater dimensions or sections than the prescribed dimensions or sections, and where no dimensions are prescribed eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the said works so as to injure the same.

Company to make compensation to owner, lessee, or occupier of mines for expenses

XXV. Except where otherwise provided for by agreement the undertakers shall from time to time pay to the owner, lessee, or occupier of any mines of coal, ironstone, and other minerals, extending so as to lie on both sides of any reservoirs, buildings, pipes, conduits, or other works, all such additional expenses and losses as shall be incurred by such owner, lessee, or occupier by

reason of the severance of the lands over such mines or minerals by such reservoirs or other works, or of the continuous working of such mines or minerals being interrupted as aforesaid, or by reason of the same being worked under the restrictions contained in this or the special Act; and for any mines or minerals not purchased by the undertakers which cannot be obtained by reason of making and maintaining the said works, or by reason of such apprehended injury from the working thereof as aforesaid; and if any dispute or question shall arise between the undertakers and such owner, lessee, or occupier as aforesaid, touching the price of such minerals, the same shall be settled by arbitration in such manner as is provided by the Lands Clauses Consolidation Act if the undertaking shall be situate in *England* or *Ireland*, and by the Lands Clauses Consolidation (*Scotland*) Act if the undertaking shall be situate in *Scotland*.

incurred by reason of mines being worked.

Disputes to be settled by arbitration.

XXVI. For better ascertaining whether any such mines are being worked or have been worked so as to damage the said works it shall be lawful for the undertakers, after giving twenty-four hours notice in writing, to enter upon any lands through or near which the said works are situate, and wherein any such mines are being worked or are supposed so to be, and to enter into and return from any such mines or the works connected therewith, and for that purpose it shall be lawful for them to make use of any apparatus or machinery belonging to the owner, lessee, or occupier of such mines, and to use all necessary means for discovering the distance from the said works to the parts of such mines which are being worked or about to be worked.

Power to enter and inspect the working of mines, after giving notice of the same.

XXVII. Nothing in this or the special Act shall prevent the undertakers from being liable to any action or other legal proceeding to which they would have been liable for any damage or injury done or occasioned to any mines by means or in consequence of the waterworks, in case the same had not been constructed or maintained by virtue of this Act or the special Act.

Nothing to prevent undertakers from being liable to actions for injury done to mines.

And with respect to the breaking up of streets for the purpose of laying pipes, be it enacted as follows:

Laying of Pipes.

XXVIII. The undertakers, under such superintendence as is herein-after specified, may open and break up the soil and pavement of the several streets and bridges within the limits of the special Act, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service pipes, and other works and engines, and from time to time repair, alter, or remove the same, and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other Acts which the undertakers shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits, doing as little damage as can be in the execution of the powers hereby or by the special

Power to break up streets, &c., under superintendence, and to open drains.

Act granted, and making compensation for any damage which may be done in the execution of such powers.

The general rule in regard to liability for injuries directly or indirectly consequent upon the exercise of the powers given by this section is thus stated by Mr. Addison:—"If any excavations or constructions of any kind are authorized to be made over or across a public thoroughfare, by private individuals or a public company, or by commissioners, and the works are lawful in themselves, and can be done without injury to individuals, and without creating any nuisance, and the persons directing the works to be executed employ a contractor to do the work, who selects the workmen, and has the entire conduct and management of the work, the persons so employing the contractor and authorizing the execution of the works, are not themselves responsible for nuisances or injuries arising from the incompetence of the contractor, or for the negligent execution of the works by him, his servants or agents, or for damage from things done by the contractor or his workmen, which were never authorized or ordered to be done by the company or commissioners."—Addison on Torts, 3rd ed. p. 197. See *Gray v. Pullen*, 32 L. J., Q. B. 169; *Knight v. For*, 5 Exch. 721; 20 L. J., Exch. 9; *Overton v. Freeman*, 11 C. B. 867; 21 L. J., C. P. 52; *Peachey v. Rowland*, 13 C. B. 182; 22 L. J., C. P. 81. And see the case of *Scott v. Manchester (Mayor, &c.)*, 2 H. & N. 204; 26 L. J., Exch. 406.

Not to enter on private land without consent.

XXIX. Provided always, That nothing herein contained shall authorize or empower the undertakers to lay down or place any pipe, conduit, service pipe, or other work in any land not dedicated to public use without the consent of the owners and occupiers thereof, except that the undertakers at any time may enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this or the special Act, or any other Act of Parliament, and may repair or alter any pipe so laid down.

Notice to be served on persons having control, &c., before breaking up streets or opening drains.

XXX. Before the undertakers open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the persons under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

Streets or drains not to be broken up except under superintendence of persons having control of the same.

XXXI. No such street, bridge, sewer, drain, or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by two Justices; and such Justices may, on the application of the persons having the control or management of any such sewer or drain, or their

officer, require the undertakers to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain: Provided always, that if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the intention of the undertakers as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the undertakers may perform the work specified in such notice without the superintendence of such persons, or their officer.

If persons having the control, &c., fail to superintend, undertakers may perform the work without them.

XXXII. When the undertakers open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground, and reinstate and make good the road or pavement, or the sewer, drain, or tunnel, so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times whilst any such road or pavement shall be so opened or broken up cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and kept thereagainst, every night during which such road or pavement shall be continued open or broken up, and shall, after replacing and making good the road or pavement which shall have been so broken up, keep the same in good repair for three months thereafter, and such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

Streets, &c., broken up to be reinstated without delay.

XXXIII. If the undertakers open or break up any street or bridge, or any sewer, drain, or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required, except in the cases in which the undertakers are authorized to perform such works without any superintendence or notice, or if the undertakers make any unnecessary delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain, or tunnel, so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of six months next after the same is made good, or such further time as aforesaid, they shall forfeit to the persons having the control or management of the street, bridge, sewer, drain, or tunnel in respect of which such default is made a sum not exceeding five pounds for every such offence, and an additional sum of five pounds for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

Penalty for delay in reinstating streets, &c.

In case of delay, other parties may reinstate and recover the expenses.

XXXIV. If any such delay or omission as aforesaid shall take place the persons having the control or management of the street, bridge, sewer, drain, or tunnel in respect of which such delay or omission shall take place may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such persons by the undertaker, and such expenses may be recovered in the same way as damages are recoverable under this and the special Act.

Supply of Water.

And with respect to the supply of water to be furnished by the undertakers, be it enacted as follows :

A constant supply of water to be kept for domestic purposes at high pressure.

XXXV. The undertakers shall provide and keep in the pipes to be laid down by them a supply of pure and wholesome water, sufficient for the domestic use of all the inhabitants of the town or district within the limits of the special Act, who, as hereinafter provided, shall be entitled to demand a supply, and shall be willing to pay water rate for the same ; and such supply shall be constantly laid on at such a pressure as will make the water reach the top story of the highest houses within the said limits, unless it be provided by the special Act that the water to be supplied by the undertakers need not be constantly laid on under pressure ;¹ and the undertakers shall cause pipes to be laid down and water to be brought to every part of the town or district within the limits of the special Act whereunto they shall be required by so many owners or occupiers of houses in that part of the town or district, as that the aggregate amount of water rate payable by them annually at the rates specified in the special Act shall be not less than one tenth part of the expense of providing and laying down such pipes ; provided that no such requisition shall be binding on the undertakers unless such owners or occupiers shall severally execute an agreement binding themselves to take such supply of water for three successive years at least.²

¹ See section 84 of "The Glasgow Corporation Waterworks Act, 1855," and note (1) thereon, p. 29.

² See also section 86 of "The Glasgow Corporation Waterworks Act, 1855," p. 30.

Penalty for neglect to lay pipes for supply of water for domestic use.

XXXVI. If for twenty-eight days after demand in writing made to the undertakers, and tender made of an agreement, signed by such number of owners or occupiers as aforesaid, to take and pay for a supply of water for three years or more, the undertakers shall refuse or neglect to lay down pipes in the manner hereinbefore directed, and to provide such supply of water as aforesaid, or as provided by the special Act, they shall forfeit to each of such owners and occupiers the amount of rate which he would be liable to pay under such agreement, and also the further sum of forty shillings for every day during which they shall refuse or neglect to lay down such pipes, or to provide such supply of water : Provided always, that the undertakers shall not be liable to any penalty for not supplying water if the want of such supply shall arise from frost, unusual drought, or other unavoidable cause or accident.

Proviso.

XXXVII. In all the pipes to which any fireplug shall be fixed the undertakers shall provide and keep constantly laid on, unless prevented by frost, unusual drought, or other unavoidable accident, or during necessary repairs, a sufficient supply of water for the following purposes; (that is to say), for cleansing the sewers and drains, for cleansing and watering the streets, and for supplying any public pumps, baths, or wash-houses that may be established for the free use of the inhabitants, or paid for out of any poor rates or borough rates levied within the limits of the special Act; and such supply shall be provided at such rates, in such quantities, and upon such terms and conditions as may be agreed upon by the Town Commissioners and the undertakers, or, in case of disagreement, as shall be settled in England or Ireland by two Justices, and in Scotland by the Sheriff, until in either case an inspector shall have been appointed, and after the appointment of such inspector, by the inspector so appointed.

Supply of water to be kept for cleansing sewers, drains, etc., and for other public purposes.

XXXVIII. The undertakers, at the request of the Town Commissioners, shall fix proper fireplugs in the main and other pipes belonging to them, at such convenient distances, not being more than the prescribed distance, or if no distance be prescribed, not more than one hundred yards from each other, and at such places as may be most proper and convenient for the supply of water for extinguishing any fire which may break out within the limits of the special Act; and in case of any difference of opinion as to the proper position or number of such fireplugs, it shall be settled by such inspector as aforesaid, when appointed, and in the meantime by two Justices in England or Ireland, and by the Sheriff in Scotland.

Fireplugs.

Undertakers to affix public fireplugs in Mains.

XXXIX. The undertakers shall from time to time renew and keep in effective order every such fireplug; and as soon as any such fireplug is completed they shall deposit a key thereof at each place within the limits of the special Act where any public fire engine is kept, and in such other places as may be appointed by the Town Commissioners, and shall put up a public notice in some conspicuous place in each street in which such fireplug is situated, showing its situation, which notice the undertakers may put up on any house or building in such street.

Undertakers to repair fire-plugs and deposit keys thereof at enginehouses, etc.

XL. The cost of such fireplugs, and the expense of fixing, placing, and maintaining the same in repair, and of providing such keys as aforesaid, shall be defrayed by the Town Commissioners.

Expense of fireplugs, etc., how to be borne.

XLI. The undertakers shall at the request and expense of the owner or occupier of any work or manufactory situated in any street in which there shall be a pipe of the undertakers, place and maintain in effective order a fireplug (to be used only for extinguishing fires) as near as conveniently may be to such work or manufactory.

Fireplugs to be placed near manufactories at request, etc., of owners.

XLII. The undertakers shall at all times keep charged with water, under such pressure as aforesaid, all their pipes to which

Pipes to be kept charged

and water taken to extinguish fires without charge.

fireplugs shall be fixed, unless prevented by frost, unusual drought, or other unavoidable cause or accident, or during necessary repairs, and shall allow all persons at all times to take and use such water for extinguishing fire, without making compensation for the same.

Penalty for refusal to fix, etc., fire-plugs, or occasional failure of supply of water.

XLIII. If, except when prevented as aforesaid, the undertakers neglect or refuse to fix, maintain, or repair such fireplugs, or to furnish to the Town Commissioners a sufficient supply of water for the public purposes aforesaid, upon such terms as shall have been agreed on or settled as aforesaid, or if, except as aforesaid, they neglect to keep their pipes charged under such pressure as aforesaid, or neglect or refuse to furnish to any owner or occupier entitled under this or the special Act to receive a supply of water during any part of the time for which the rates for such supply have been paid or tendered, they shall be liable to a penalty of ten pounds, and shall also forfeit to the Town Commissioners, and to every person having paid or tendered the rate, the sum of forty shillings for every day during which such refusal or neglect shall continue after notice in writing shall have been given to the undertakers of the want of supply.

Pipes to be laid by the undertakers.

And with respect to the communication pipes to be laid by the undertakers, be it enacted as follows :

Undertakers to lay down Communication pipes on request of occupier and with consent of owners in houses of limited value.

XLIV. The undertakers shall, upon the request of the owner of any dwelling house in any street in which pipes shall have been laid down by them, the annual value of which house shall not exceed ten pounds, or upon request of the occupier, with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner, and upon payment or tender of the proportion of water rate in respect of such house by this or the special Act made payable in advance, lay down communication pipes and other necessary works for the supply of such house with water for domestic or other purposes, and shall keep the same in repair, and thereupon the occupier of such house shall be entitled to have a sufficient supply of water for his domestic purposes from the undertakers ; and the undertakers may charge for such pipes and works, in addition to the water rate, such reasonable annual rent as shall be agreed upon, or in case of dispute, as shall be settled by such inspector as aforesaid, when appointed, and in the meantime as shall in England or Ireland be settled by two Justices, and in Scotland by the Sheriff ; and such rent shall be chargeable on and recoverable from the occupier, or, in his default, from the owner of such house, at the same times and in the same manner as water rates ; and such pipes and other works shall not be subject to distress or to the landlord's hypothec for rent, nor to be taken in execution under any process of a court of law or equity, or under any fiat or sequestration in bankruptcy, against such occupier or against such owner,

unless he shall have become the proprietor of the said pipes and works under the provisions herein-after contained.

See also section 84 of "The Glasgow Corporation Waterworks Act, 1855," p. 29.

XLV. If, upon such request and consent, and upon tender or payment of such proportion of rate as aforesaid, the undertakers for seven days neglect or refuse to lay down such communication pipes or other works, they shall be liable to forfeit to the person so making such request the sum of five pounds and a further sum of forty shillings for every day during which such refusal or neglect shall continue after seven days from the making of such request and tender as aforesaid.

Penalty on Undertakers for refusal to lay communication pipes.

XLVI. If the occupier for the time being of the house in which any such communication pipes or other works and engines shall have been laid down by the undertakers refuse to pay for a supply of water, or if such house be unoccupied for twelve months, the undertakers may demand from the owners thereof payment of the amount of the principal money invested by them in providing and laying down such communication pipes and other works and engines; and if such owner, after ten days notice given to him by the undertakers, neglect or refuse to pay such principal money, the undertakers may enter the house and remove such pipes and other works; and the balance of such principal money, after deducting the value of such pipes and other works, with all arrear of rent for such pipes and works, shall, in default of payment, be recovered, with the costs incurred, from the owner or from the occupier for the time being in the same manner as water rates are directed by this or the special Act to be recovered: Provided always, that no greater sum shall be recovered from any such occupier than the amount of rent for the time being owing by him, unless he refuse to discover the amount of rent owing by him; and that every such occupier shall be entitled to deduct from the amount of rent payable by him the sum so recovered from him, or which he shall have paid on demand.

Undertakers to be at liberty to remove pipes and recover expenses of owners or occupiers.

No greater sum to be recovered from occupiers than amount of rent due.

XLVII. The owner or reputed owner of any house where any such communication pipes or other works shall have been laid down by the undertakers may at any time pay off the amount then due to the undertakers in respect of the costs of providing and laying down such pipes and works, and all rent to that time due in respect thereof, and thereupon such pipes and works shall become the property of such owner, and all further rent in respect thereof shall cease to accrue to the undertakers.

Owner to be at liberty to purchase the pipes.

And with respect to the communication pipes to be laid by the inhabitants, be it enacted as follows:

Pipes to be laid by the inhabitants.

XLVIII. Any owner or occupier of any dwelling house or part of a dwelling house within the limits of the special Act who shall wish to have water from the waterworks of the undertakers brought into his premises, and who shall have paid or tendered to

Power to inhabitants to lay service pipes,

giving the undertakers notice of the same.

the undertakers the portion of water rate in respect of such premises by this or the special Act directed to be paid in advance, may open the ground between the pipes of the undertakers and his premises, having first obtained the consent of the owners and occupiers of such ground, and lay any leaden or other pipes from such premises, to communicate with the pipes of the undertakers, such pipes to be of a strength and material to be approved of by the undertakers, or, in case of dispute, to be settled in England or Ireland by two Justices, and in Scotland by the Sheriff, or in either case by the inspector to be appointed as aforesaid : Provided always that every such owner or occupier shall, before he begins to lay any such pipe, give to the undertakers fourteen days notice of his intention to do so.

See also section 8 of "The Glasgow Corporation Waterworks Amendment Act, 1865," p. 62.

Communication with the pipes of the undertakers to be made under the superintendence of their surveyor.

XLIX. Before any pipe is made to communicate with the pipes of the undertakers, the person intending to lay such pipe shall give two days notice to the undertakers of the day and hour when such pipe is intended to be made to communicate with the pipes of the undertakers ; and every such pipe shall be so made to communicate under the superintendence and according to the directions of the surveyor or other officer appointed for that purpose by the undertakers, unless such surveyor or officer fail to attend at the time mentioned in the said notice ; and in case of any dispute as to the manner in which such pipe shall be so made to communicate, it shall in England or Ireland be settled by two Justices, and in Scotland by the Sheriff, or in either case by the Inspector to be appointed as aforesaid.

As to the settling of disputes.

Bore of service pipes.

L. The bore of any such pipe as last aforesaid shall not exceed the prescribed limits, and where no limit shall be prescribed it shall not exceed half an inch, except with the consent of the undertakers.

Service pipes may be removed after giving notice of the same.

LI. Any person who shall have laid down any pipe or other works, or who shall have become the proprietor thereof, may remove the same, after having first given six days notice in writing to the undertakers of his intention so to do, and of the time of such proposed removal, and every such person shall make compensation to the undertakers for any injury or damage to their pipes or works which may be caused by such removal ; and every person who shall remove any such pipe or other works without giving such notice as aforesaid shall forfeit to the undertakers a sum not exceeding five pounds, over and above the damage which he may be found liable to pay in any action at law, at the suit of the undertakers, for the damage done to their pipes or works.

Penalty on removing pipes without notice.

Powers to inhabitants to break up pavements, giving notice of the same.

LII. Any such owner or occupier may open or break up so much of the pavement of any street as shall be between the pipe of the undertakers and his house, building, or premises, and any sewer or drain therein, for any such purpose as aforesaid, doing as little damage as may be, and making compensation for any dam-

age done in the execution of any such work : Provided always, that every such owner or occupier desiring to break up the pavement of any street, or any sewer or drain therein, shall be subject to the same necessity of giving previous notice, and shall be subject to the same control, restriction, and obligations in and during the time of breaking up the same, and also reinstating the same, and to the same penalties for any delay in regard thereto, as the undertakers are subject to by virtue of this or the special Act.

LIII. Every owner and occupier of any dwelling-house or part of a dwelling house within the limits of the special Act shall, when he has laid such communication pipes as aforesaid, and paid or tendered the water rate payable in respect thereof, according to the provisions of this and the special Act, be entitled to demand and receive from the undertakers a sufficient supply of water for his domestic purposes.

Owners or occupiers entitled to demand a supply of water for domestic purposes.

And with respect to waste or misuse of the water supplied by the undertakers, be it enacted as follows :—

Protection of Water.

LIV. If by the special Act it be provided that the water to be supplied by the undertakers need not be constantly laid on under pressure, every person supplied with water shall, when required by the undertakers, provide a proper cistern to hold the water with which he shall be so supplied, with a ball and stop-cock in the pipe bringing the water from the works of the undertakers to such cistern, and shall keep such cistern, ball, and stop-cock in good repair, so as effectually to prevent the water from running to waste ; and in case any such person shall, when required by the undertakers, neglect to provide such cistern, ball, or stop-cock, or to keep the same in good repair, the undertakers may cut off the pipe or turn off the water from the premises of such person until such cistern and ball and stop-cock shall be provided or repaired, as the case may require.

Persons using the water to provide cisterns and cocks.

Penalty for neglect.

See also section 85 of "The Glasgow Corporation Waterworks Act, 1855" (p. 29), section 17 of the Amendment Act, 1859 (p. 52), section 8 of the Amendment Act 1865 (p. 62), and sections 9 and 12 of the Amendment Act, 1873, pp. 90 and 91.

LV. Every person supplied with water by the undertakers who shall suffer any such cistern, pipe, ball, or stop-cock to be out of repair, so that the water supplied to him by the undertakers shall be wasted, shall forfeit to the undertakers for every such offence a sum not exceeding five pounds.

Penalty for suffering cisterns, etc., to be out of repair.

LVI. The undertakers may repair any such cistern, pipe, ball, or stop-cock, so as to prevent any such waste of water, and the expenses of such repair shall be repaid to them by the person so allowing the same to be out of repair, and may be received as damages.

Undertakers may repair cisterns, &c., and recover the expenses.

See also section 12 of "The Glasgow Corporation Waterworks Amendment Act, 1873," p. 91.

Power to
Surveyor
employed by
undertakers
to enter
houses to
inspect, &c.

LVII. The Surveyor, or any other person acting under the authority of the undertakers, may, between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter into any house or premises supplied with water by virtue of this or the special Act, in order to examine if there be any waste or misuse of such water ; and if such Surveyor or other person at any such time be refused admittance into such dwelling house or premises for the purpose aforesaid, or be prevented from making such examination as aforesaid, the undertakers may turn off the water supplied by them from such house or other premises.

See also section 15 of "The Waterworks Clauses Act," 1863, p. 174.

Penalty for
allowing per-
sons to use
the under-
takers' water.

LVIII. Every owner or occupier of any tenement supplied with water under this or the special Act who shall supply to any other person or wilfully permit him to take any such water from any cistern or pipe in such tenement, unless for the purpose of extinguishing any fire, or unless he be a person supplied with water by the undertakers, and the pipes belonging to him be, without his default, out of repair, shall forfeit to the undertakers for every such offence a sum not exceeding five pounds.

Penalty for
taking the
undertakers'
water with-
out agree-
ment.

LIX. Every person who, not having agreed to be supplied with water by the undertakers, shall take any water from any reservoir, watercourse, or conduit belonging to the undertakers, or any pipe, leading to any such reservoir, watercourse, or conduit, or from any cistern or other like place containing water belonging to the undertakers, other than such as may have been provided for the gratuitous use of the public, shall forfeit to the undertakers for every such offence a sum not exceeding ten pounds.

Penalty for
destroying
valves, &c.

LX. Every person who shall wilfully or carelessly break, injure, or open any lock, cock, valve, pipe, work, or engine belonging to the undertakers, or shall flush or draw off the water from the reservoirs or other works of the undertakers, or shall do any other wilful act whereby such water shall be wasted, shall forfeit to the undertakers for every such offence a sum not exceeding five pounds.

*Fouling the
Water.*

And with respect to the provision for guarding against fouling the water of the undertakers, be it enacted as follows :—

Penalties for
causing the
water of
the under-
takers to be
fouled, &c.

LXI. Every person who shall commit any of the offences next hereinafter enumerated shall for every such offence forfeit to the undertakers a sum not exceeding five pounds (that is to say) :—

Every person who shall bathe in any stream, reservoir, aqueduct, or other waterworks belonging to the undertakers, or wash, throw, or cause to enter therein any dog or other animal.

Every person who shall throw any rubbish, dirt, filth, or other noisome thing into any such stream, reservoir, aqueduct, or

other waterworks as aforesaid, or wash or cleanse therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing.

Every person who shall cause the water of any sink, sewer, or drain, steam engine boiler, or other filthy water belonging to him or under his control, to run or to be brought into any stream, reservoir, aqueduct, or other waterworks belonging to the undertakers, or shall do any other act whereby the water of the undertakers shall be fouled.

And every such person shall forfeit a further sum of Twenty shillings for each day (if more than one) that such last-mentioned offence shall be continued.

See also section 16 of "The Waterworks Clauses Act, 1863," Appendix, p. 174.

LXII. Every person making or supplying gas within the limits of the special Act who shall at any time cause or suffer to be brought or to flow into any stream, reservoir, aqueduct, or waterworks belonging to the undertakers, or into any drain communicating therewith, any washing or other substance which shall be produced in making or supplying gas, or who shall wilfully do any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, or waterworks shall be fouled, shall forfeit to the undertakers for every such offence the sum of two hundred pounds; and such penalty shall be recovered, with full costs of suit, in any of the superior Courts; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it has ceased.

Penalty for permitting substances produced in making gas to flow into the undertakers' works.

Penalty to be sued for within six months.

LXIII. In addition to the said penalty of two hundred pounds, and whether such penalty have been recovered or not, the person making or supplying gas as aforesaid shall forfeit to the undertakers the sum of twenty pounds, to be recovered in like manner, for each day during which such washing or substance shall be brought or shall flow as aforesaid, or during which the act shall continue by which such water is fouled, after the expiration in either case of twenty-four hours from the time when notice of the offence has been served on such person by the undertakers.

Daily penalty during the continuance of the offence.

LXIV. Whenever the water supplied by the undertakers shall be fouled by the gas of any person making or supplying gas within the limits of the special Act, such person shall forfeit to the undertakers for every such offence a sum not exceeding twenty pounds, and a further sum not exceeding ten pounds for each day during which the offence shall continue after the expiration of twenty-four hours from the service of notice of such offence.

Penalty on gas makers causing water to be fouled.

LXV. For the purpose of ascertaining whether the water of the undertakers be fouled by the gas of any person making or supply-

Power to examine gas

pipes to ascertain cause of water being fouled.

ing gas within the limits of the special Act, the undertakers may dig up the ground and examine the pipes, conduits, and works of the persons making or supplying gas ; provided that before proceeding so to dig and examine, the undertakers shall give twenty-four hours' notice in writing to the person so making or supplying gas of the time at which such digging and examination is intended to take place, and they shall give the like notice to the persons having the control or management of the pavements or place where such digging shall take place, and they shall be subject to the like obligation of reinstating the road and pavement, and to the same penalties for delay, or any nonfeasance or misfeasance therein, as hereinbefore provided with respect to roads and pavements broken up by them for laying their pipes.

The expenses to abide the result of the examination.

LXVI. If upon such examination it appear that such water has been fouled by any gas belonging to such person, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the person making or supplying gas ; but if upon such examination it appear that the water has not been fouled by the gas of such person, then the undertakers shall pay all the expenses of the examination and repair, and also make good to the said person any injury which may be occasioned to his works by such examination.

How expense to be ascertained.

LXVII. The amount of the expenses of every such examination and repair, and any injury done to the undertakers, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the same manner as damages for the ascertaining and recovery whereof no special provision is made are directed to be ascertained and recovered.

Water Rates.

And with respect to the payment and recovery of the water rates, be it enacted as follows :—

Where several houses supplied by one pipe, each to pav.

LXIX. When several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been supplied with water from the works of the undertakers by a separate pipe.

Rates how to be recovered.

LXXIV. If any person supplied with water by the undertakers, or liable as herein or in the special Act provided to pay the water rate, neglect to pay such water rate at any of the said times of payment thereof, the undertakers may stop the water from flowing into the premises in respect of which such rate is payable, by cutting off the pipe to such premises, or by such means as the undertakers shall think fit, and may recover the rate due from such person, if less than Twenty Pounds, with the expenses of cutting off the water, and costs of recovering the rate, in the same

manner as any damages for the recovery of which no special provision is made are recoverable by this or the special Act; or if the rate so due amount to Twenty Pounds or upwards, the undertakers may recover the same, with the expenses of cutting off the water, by action in any court of competent jurisdiction.

¹ In *M'Lean v. The Glasgow Corporation Water Commissioners* (1st August, 1873), Sheriff Dickson held, that under this provision the Commissioners had no power to cut a pipe *within* the consumer's premises, without first obtaining a judicial warrant for that purpose.

LXXXIV. And with respect to tender of amends, be it enacted, Tender of amends.
That if any person shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if before action brought in respect thereof such person make tender of sufficient amends to the person injured, such last-mentioned person shall not recover in any such action; and if no such tender have been made the defendant may, by leave of the court where such action is pending, at any time before issue joined, pay into court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices or to the Sheriff, be it enacted as follows :— Recovery of Damages and Penalties.

LXXXV. If the waterworks be in England or Ireland, the clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices, shall be incorporated with this and the Special Act, and if the waterworks be in Scotland the clauses of the Railways Clauses Consolidation Act (Scotland), 1845,¹ with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the Sheriff or to Justices, shall be incorporated with this and the special Act, and such clauses shall apply to the waterworks and to the undertakers respectively, and shall be construed as if the word "undertakers" had been inserted therein instead of the word "company."

¹ See sections 132 to 152 of "The Railways Clauses Consolidation (Scotland) Act, 1845," Appendix, pp. 183 to 188.

LXXXVII. All things herein or in the special Act, or any Act incorporated therewith, authorised or required to be done by two Justices, may and shall be done, in England and Ireland, by any one Magistrate having by law authority to act alone for any purpose with the powers of two or more Justices, and in Scotland by All things required to be done by two Justices in England and Ireland may, in certain cases, be done

by one, and in the Sheriff or Steward of any County, Stewartry, or Ward, or his Scotland by the Sheriff, &c. Substitute.

Persons giving false evidence liable to penalties of perjury.

LXXXIX. Every person who upon any examination upon oath under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence shall be liable to the penalties of wilful and corrupt perjury.

Access to Special Act.

And with respect to access to the Special Act, be it enacted as follows :—

Copies of Special Act to be kept by undertakers in their office, and deposited with the Clerks of the Peace, &c., and be open to Inspection.

XC. The undertakers shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a copy of the special Act, printed by the printers to Her Majesty, or some of them, and shall also within the space of such six months deposit in the office of the Clerk of the Peace in England or Ireland, and of the Sheriff Clerk in Scotland, of the County in which the undertaking is situated, a copy of such special Act so printed as aforesaid ; and the said Clerk of the Peace and Sheriff Clerk shall receive, and they and the undertakers respectively shall keep, the said copies of the special Act, and shall allow all persons interested therein to inspect the same, and make extracts or copies therefrom, in the like manner and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act passed in the first year of the reign of Her Majesty, intituled, "An Act to compel Clerks of the Peace for Counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament."

7 W. 4. and
1 Vict. c. 83.

Penalty on undertakers failing to keep or deposit such copies.

XCI. If the undertakers fail to keep or deposit any of the said copies of the special Act, as herein-before mentioned, they shall forfeit Twenty Pounds for every such offence, and also Five Pounds for every day afterwards during which such copy shall be not so kept or deposited.

Undertakers not exempt from provisions of any future general Act.

XCIII. And be it enacted, That nothing herein or in the special Act contained shall be deemed to exempt the undertakers from any general Act relating to waterworks, or any Act for improving the sanitary condition of towns and populous districts, which may be passed in the same session of Parliament in which the special Act is passed, or any future session of Parliament.

(3.) THE WATERWORKS CLAUSES ACT, 1863.
(26 and 27 VICT. c. 93.)

By section 3 of "The Glasgow Corporation Waterworks Amendment Act, 1865," and other sections of subsequent Amendment Acts, the following clauses are incorporated from "The Waterworks Clauses Act, 1863."

Preliminary.

I. This Act may be cited as the Waterworks Clauses Act, Short title. 1863; and the Waterworks Clauses Act, 1847, and this Act may be cited together as The Waterworks Clauses Acts 1847 and 1863.

II. This Act shall apply to any waterworks to which any Application special Act hereafter passed and incorporating this Act relates; of Act and interpretation and every such special Act is hereinafter referred to as "the of terms. special Act."

Terms used in this Act have the same meanings as the same terms have when used in The Waterworks Clauses Act, 1847.

The provisions respecting the recovery of penalties contained in the last-mentioned Act shall be incorporated with this Act.

Security of Reservoirs.

And with respect to the security of the reservoirs constructed by the undertakers, be it enacted as follows:

III. Whenever any person interested complains to two Justices Power for that any reservoir constructed by the undertakers is in a danger- Justices to ous state, such Justices shall forthwith make inquiry into the inquire as to truth of the complaint; or two Justices on their own view, and danger of reservoir. without complaint by any person, may proceed under the present provisions as if a complaint had been so made to them.

See also section 81 of "The Glasgow Corporation Waterworks Act, 1855," p. 27.

IV. If, on any such inquiry, the Justices are satisfied that the Order of complaint is well founded, and that the reservoir is in a danger- Justices for ous state, and that the danger is so imminent as not to admit of delay in removing the cause of complaint, they shall order such immediate repair. person as they think fit to enter on the property of the undertakers, and to lower the water in the reservoir, and to execute and do all such works and things as the Justices think requisite and proper for removing the cause of complaint.

Order of
Justices on
undertakers
to repair
reservoir.

V. If, on any such inquiry, the Justices are satisfied that there is good cause of complaint, but are not satisfied that the reservoir is in such an imminently dangerous state as not to admit of delay in removing the cause of complaint, they shall issue their summons to the undertakers to answer the complaint; and upon hearing the parties, the Justices may, or upon default of appearance of the undertakers, then in their absence, the Justices shall, order the undertakers, within such period as the Justices think reasonable and specify in the order, to lower the water in the reservoir, and to execute and do all such works and things as the Justices think requisite and proper for removing the cause of complaint.

Order of
Justices on
failure of
undertakers
to repair.

If the undertakers fail to execute or do within that period any such work or thing, the Justices who made the order, or any other two Justices, on being satisfied of such failure, may either order such persons as the Justices think fit to enter on the property of the undertakers, and to lower the water in the reservoir, and to execute and do all such works and things as the Justices think requisite and proper for removing the cause of complaint; or may, if they think fit, by order impose on the undertakers a penalty, not exceeding ten pounds, for every day during which such failure continues after the making of the order imposing the penalty.

Form of
order.

VI. Any order of Justices made in any of the cases aforesaid shall be in writing under their hands, and may be in the form set forth in the schedule to this Act, with such variations as circumstances require.

Persons
acting under
order not
trespassers.

VII. Any person acting under and in pursuance of any such order shall not be deemed a trespasser, and if any person wilfully obstructs any person lawfully acting in obedience to any such order, or wilfully does, or instigates, or suffers to be done, anything in contravention thereof, he shall for every such offence be liable to a penalty not exceeding fifty pounds.

Order for
payment of
costs and
expenses.

VIII. The Justices may order all, or such part as they think fit, of the costs of and incident to the applying for and obtaining of any such order to be paid by the undertakers, and also all, or such part as the Justices think fit, of the expenses of the works and things executed and done in pursuance of any such order by any person other than the undertakers, to be paid by the undertakers to such person as the Justices appoint.

If the Justices before whom the complaint is made think that there is no sufficient ground for the complaint, they may, if they think fit, order the complainant to pay to the undertakers the whole or any part of their costs of or incident to the complaint.

Appeal by
undertakers.

IX. If the undertakers consider themselves aggrieved by any order or determination of Justices under the present provisions, they may in like manner and subject to the like conditions as by The Railways Clauses Consolidation Act, 1845,¹ are provided in the case of appeals in respect of penalties, appeal to the Court of

General or Quarter Sessions for the county or place where the cause of appeal arises; and that Court may, on the hearing of the appeal, either affirm or quash the order or determination, or make such other order in the premises as may seem fit, and may make such order as to the costs, both of the original proceedings and of the appeal, as may seem fit; but the order or determination appealed against shall, pending the appeal, continue in force.

¹ See sections 151 and 152 of "The Railways Clauses Consolidation (Scotland) Act, 1845," Appendix, p. 188.

X. Notwithstanding anything in the special Act contained, the Undertakers shall not be liable to pay any damages, penalties, costs, charges, or expenses for or in respect of, or be answerable or accountable for, any diminution or cessation of the supply of water, or any other breach or nonperformance of their or any of their duties, liabilities, or obligations under the special Act, that may be occasioned by or result from the execution of any such order.

XI. The present provisions with respect to the security of reservoirs shall apply to *England and Ireland*; and they shall also apply to *Scotland*, subject to the following variations, namely, the Sheriff shall be deemed to be empowered thereby, as well as two Justices; and the appeal given shall lie from two Justices in manner provided by sections one hundred and fifty-one and one hundred and fifty-two of The Railways Clauses Consolidation (*Scotland*) Act, 1845,¹ and shall lie from a Sheriff Substitute to the Sheriff Depute, where the matter comes in the first instance before a Sheriff Substitute; and in that case the Sheriff Depute shall hear and determine the appeal, and may either confirm, recal, vary, or supersede the order of the Sheriff Substitute as he thinks proper; and the costs of the appeal shall be in the discretion of the Sheriff; and the order or judgment of the Sheriff in the appeal shall be final.

¹ See Appendix, p. 188.

Supply of Water.

And with respect to the supply of water to be furnished by the undertakers, be it enacted as follows:

XII. A supply of water for domestic purposes shall not include a supply of water for cattle, or for horses, or for washing carriages where such horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture, or business, or for watering gardens, or for fountains, or for any ornamental purpose.

In *Burnet v. Rockhead* (8th Aug., 1865), Sheriffs Strathern, Murray, and Smith held, that using water by a hose for cleaning an area and windows of a house was a *domestic purpose*. But see section 10 of "The Glasgow Corporation Waterworks Amendment Act, 1873," p. 91.

Want of
supply for
other than
domestic
purposes
when
excused.

XIII. Where the undertakers are authorized by special Act to supply water for other than domestic purposes, they shall not be liable, in the absence of express stipulation, under any agreement for the supply of water for other than domestic purposes, to any penalty or damages for not supplying such water, if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident.

Power to let
meters for
hire.

XIV. Where the undertakers are authorized by the special Act to supply water by measure,¹ they may let for hire to any consumer of water so supplied any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between them and the consumer, which shall be recoverable in the same manner as rates due to the undertakers for water; and the meters, instruments, pipes, and apparatus shall not be subject to distress or to the landlord's hypothec for rent of the premises where the same are used, or be attached or taken in execution under any process of any Court of Law or Equity, or under or in pursuance of any adjudication or order in bankruptcy, or other legal proceeding, against or affecting the consumer of the water or the occupier of the premises, or other the person in whose possession the meters, instruments, pipes, and apparatus may be.

¹ See section 8 of "The Glasgow Corporation Waterworks Amendment Act, 1873," p. 90.

Power for
ascertaining
quantity
consumed
by meter,
and for
removing
meters, etc.

XV. The officers of the undertakers may enter any house, building, or lands to, through, or into which water is supplied by them by measure, in order to inspect the meters, instruments, pipes and apparatus for the measuring, conveyance, reception, or storage of water, or for the purpose of ascertaining the quantity of water supplied or consumed, and may from time to time enter any house, building, or lands, for the purpose of removing any meter, instrument, pipe, or apparatus the property of the undertakers; and if any person hinders any such officer from entering or making such inspection, or effecting such removal, he shall for every such offence be liable to a penalty not exceeding five pounds; but, except with the consent of a Justice or the Sheriff, this power of entry shall be exercised only between the hours of ten in the forenoon and four in the afternoon.

See also section 57 of "The Waterworks Clauses Act, 1847," p. 166.

Protection of Water.

And with respect to the waste or misuse of the water supplied by or belonging to the undertakers, be it enacted as follows:—

Power to
cut off water
in certain
cases.

XVI. If any person supplied with water by the undertakers wrongfully does or causes or permits to be done anything in contravention of any of the provisions of the special Act, or wrongfully fails to do anything which, under any of these provisions, ought

to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the undertakers, they may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied by them to him,¹ or for his use, and may cease to supply him with water, so long as the cause of injury remains or is not remedied.

¹ See note to section 74 of "The Waterworks Clauses Act, 1847," p. 169.

XVII. If any person supplied with water by the undertakers wilfully or negligently causes or suffers any pipe, valve, cock, cistern, bath, soil-pan, water-closet, or other apparatus or receptacle to be out of repair, or to be so used or contrived as that the water supplied to him by the undertakers is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air, or other noisome or impure matter, into any pipe belonging to or connected with the pipes of the undertakers, he shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for waste, etc., of water by non-repair of pipes, etc.

XVIII. If any person—

First, not having from the undertakers a supply of water for other than domestic purposes, uses, for other than domestic purposes, any water supplied to him by the undertakers; or Secondly, having from the undertakers a supply of water for any other than domestic purposes, uses for any purposes other than those for which he is entitled to use the same, any water supplied to him by the undertakers,—

Penalty for application of water contrary to agreement.

he shall for every such offence be liable to a penalty not exceeding forty shillings, without prejudice to the right of the undertakers to recover from him the value of the water misused.

XIX. It shall not be lawful for the owner or occupier of any premises supplied with water by the undertakers, or any consumer of the water of the undertakers, or any other person, to affix or cause or permit to be affixed any pipe or apparatus to a pipe belonging to the undertakers, or to a communication or service pipe belonging to or used by such owner, occupier, consumer, or other person, or to make any alteration in any such communication or service pipe, or in any apparatus connected therewith, without the consent in every such case of the undertakers; and if any person acts in any respect in contravention of the provisions of the present section, he shall for every such offence be liable to a penalty not exceeding five pounds, without prejudice to the right of the undertakers to recover damages from him in respect of any injury done to their property, and without prejudice to their right to recover from him the value of any water wasted, misused or unduly consumed.

Penalty for extension or alteration of pipes.

XX. If any person not being supplied with water by the undertakers, wrongfully takes or uses any water from any reservoir,

Penalty for use of water without agreement.

watercourse, conduit, or pipe belonging to the undertakers, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any cistern or other like place containing water belonging to the undertakers, or supplied by them for the use of any consumer of the water of the undertakers, he shall for every such offence be liable to a penalty not exceeding five pounds.

In regard to waste or misuse of water see further the various provisions on that subject contained in "The Waterworks Clauses Act, 1847," p. 165.

Recovery of Rates.

And with respect to the recovery of water rates and other money, be it enacted as follows :

Recovery of
rates by
action.

XXI. If any person refuses or neglects to pay to the undertakers any rate or sum due to them under the special Act, they may recover the same, with costs, in any Court of competent jurisdiction ; and their remedy under the present section shall be in addition to their other remedies for the recovery thereof.

SCHEDULE.

Form of order of Justices.

To A.B. of &c.

We the undersigned, two of Her Majesty's Justices of the Peace acting for the [County] of do hereby order and direct you [and such person and persons as you may require to aid and assist you herein,] forthwith to lower the water in the [*here describe the reservoir and the extent to which the water is to be lowered*], and to do all such works and things as are requisite to repair and make secure the said reservoir [and you shall do as little injury as possible to the property of the and for acting as you are hereby directed this shall be your sufficient warrant].

Given under our hands this day of
one thousand eight hundred and

A.B.
C.D.

(4.) THE RAILWAYS CLAUSES CONSOLIDATION (SCOTLAND) ACT,
1845 (8 and 9 VICT., c. 33)

By Sect. 3 of "The Glasgow Corporation Waterworks Amendment Act, 1877"; Sect. 2 of "The Glasgow Corporation Waterworks Amendment Act, 1879"; Sect. 2 of "The Glasgow Corporation Waterworks Amendment Act, 1882"; Sect. 104 of "The Commissioners Clauses Act, 1847"; and Sect. 85 of "The Waterworks Clauses Act, 1847," the following clauses are incorporated from "The Railways Clauses Consolidation (Scotland) Act, 1845":—

And with respect to the temporary occupation of lands near the railway during the construction thereof, be it enacted as follows :— *Temporary use of Lands*

XXV. Subject to the provisions herein and in the special Act contained, it shall be lawful for the Company, at any time before the expiration of the period by the special Act limited for the completion of the railway, to enter upon and use any existing private road, being a road gravelled or formed with stones or other hard materials, and not being an avenue, or a planted or ornamental road, or an approach to any mansion house within the prescribed limits, if any, or, if no limits be prescribed, not being more than five hundred yards distant from the centre of the railway, as delineated on the plans; but before the Company shall enter upon or use any such existing road they shall give three weeks' notice of their intention to the owners and occupiers of such road, and of the lands over which the same shall pass, and shall in such notice state the time during which, and the purposes for which, they intend to occupy such road, and shall pay to the owners and occupiers of such road, and of the lands through which the same shall pass, such compensation for the use and occupation of such road, either in a gross sum of money or by half-yearly instalments, as shall be agreed upon between such owners and occupiers respectively and the Company, or, in case they differ about the compensation, the same shall be settled by the Sheriff in the same manner as any compensation not exceeding fifty pounds is directed to be settled by the Lands Clauses Consolidation (Scotland) Act, 1845. *Company may occupy temporarily private roads within 500 yards of the railway.*

XXVI. It shall be lawful for the owners and occupiers of any such road, and of the lands over which the same passes, within ten days after the service of the aforesaid notice, by notice in writing to the Company, to object to the Company making use of such road on the ground that other roads, such as the Company are hereinbefore authorized to use for the purposes aforesaid, or that, some public road, would be more fitting to be used for the same and upon the objection being so made such proceedings may be had as are hereinafter mentioned with respect to lands *Power to owners and occupiers of road and land to object that other roads should be taken.*

temporarily occupied by the Company, in respect of which three weeks' notice is hereinafter required to be given, and in the same manner as if in the provisions relative to such proceedings the word road or roads, or the words road and the land over which the same passes, as the case may require, had been substituted in such provisions for the word lands.

Power to take temporary possession of land without previous payment of price.

XXVII. Subject to the provisions herein and in the special Act contained, it shall be lawful for the Company, at any time before the expiration of the period by the special Act limited for the completion of the railway, without making any previous payment, tender, or deposit, to enter upon any lands, within the prescribed limits, or if no limits be prescribed, not being more than two hundred yards distant from the centre of the railway, as delineated on the plans, and not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to the mansion house of the owner of any such lands than the prescribed distance, or, if no distance be prescribed, then not nearer than five hundred yards therefrom, and to occupy the said lands so long as may be necessary for the construction or repair of that portion of the railway, or of the accommodation works connected therewith, hereinafter mentioned, and to use the same for any of the following purposes (that is to say) :—

For the purpose of taking earth or soil by side cuttings therefrom ;

For the purpose of depositing spoil thereon ;

For the purpose of obtaining materials therefrom for the construction or repair of the railway or such accommodation works as aforesaid ; or

For the purpose of forming roads thereon to or from or by the side of the railway ;

And in exercise of the powers aforesaid it shall be lawful for the Company to deposit and also to manufacture and work upon such lands materials of every kind used in constructing the railway, and also to dig and take from out of any such lands any clay, stone, gravel, sand, or other things that may be found therein useful or proper for constructing the railway or any such roads as aforesaid, and for the purposes aforesaid to erect thereon workshops, sheds, and other buildings of a temporary nature : Provided always that nothing in this Act contained shall exempt the Company from an action for nuisance or other injury, if any done, in the exercise of the powers hereinbefore given, to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid : Provided always, that no stone or slate quarry, brick field, or other like place, which at the time of the passing of the special Act shall be commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same, shall be taken or used by the Company, either wholly or in part, for any of the purposes lastly hereinbefore mentioned.

XXVIII. In case any such lands shall be required for spoil banks or for side cuttings, or for obtaining materials for the construction or repairing of the railway, the Company shall, before entering thereon (except in the case of accident to the railway requiring immediate reparation), give three weeks' notice in writing to the owners and occupiers of such lands of their intention to enter upon the same for such purposes, and in case the said lands are required for any of the other purposes hereinbefore mentioned, the Company shall (except in the cases aforesaid) give ten days' like notice thereof; and the Company shall in such notices respectively state the substance of the provisions hereinafter contained respecting the right of such owner or occupier to require the Company to purchase any such lands, or to receive compensation for the temporary occupation thereof, as the case may be.

Company to give notice previous to such temporary possession.

XXIX. The said notice shall either be served personally on such owners and occupiers, or left at their last usual place of abode, if any such can, after diligent inquiry, be found, and in case any such owner shall be absent from the United Kingdom, or cannot be found after diligent inquiry, such notice shall be served on the factor or agent (if any) of such owner, and shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

Service of notices on Owners and occupiers of lands.

XXX. In any case in which a notice of three weeks is hereinbefore required to be given, it shall be lawful for the owner or occupier of the lands therein referred to, within ten days after the service of such notice, by notice in writing to the Company, to object to the Company making use of such lands, either on the ground that the lands proposed to be taken for the purposes aforesaid, or some part thereof, or of the materials contained therein, are essential to be retained by such owner, in order to the beneficial enjoyment of other neighbouring lands belonging to him, or on the ground that other lands lying contiguous or near to those proposed to be taken would be more fitting to be used for such purposes by the Company; and upon objection being so made such proceedings may be had as hereinafter mentioned; and if in such case the Company shall refuse to occupy such other lands in lieu of those mentioned in the notice, it shall be lawful for the Sheriff, on the application of such owner or occupier, to summon the Company and the owners and occupiers of such other lands to appear before him at a time and place to be named in such summons, such time not being more than fourteen days after such application nor less than seven days from the service of such summons; and on the appearance of the parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such Sheriff to determine summarily which of the said lands shall be used by the Company for the purposes aforesaid, and to authorize the Company to occupy and use the same accordingly.

Power to owner to object that other lands ought to be taken.

Power to the Sheriff to summon other owners before him.

XXXI. If in the case last mentioned it shall appear to such Sheriff, upon the inquiry before him, that the lands of any other party not summoned before him, being sufficient in quantity, and such as the Company are hereinbefore authorized to take or use for the purposes aforesaid, would be more fitting to be used by the Company than the lands of the person who shall have been so summoned as aforesaid, it shall be lawful for the said Sheriff to adjourn such inquiry, and to summon such other person to appear before him at any time, not being more than fourteen days from such inquiry nor less than seven days from the service of such summons; and on the appearance of the parties, or in the absence of any of them, on proof of due service of the summons, it shall be lawful for such Sheriff to determine finally which lands shall be used for the purposes aforesaid, and to authorize the Company to occupy and use the same accordingly.

The Company to give sureties, if required.

XXXII. Before entering under the provisions hereinbefore contained, upon any such lands as shall be required for spoil banks or for side cuttings, or for obtaining materials or forming roads as aforesaid, the Company shall, if required by the owner or occupier thereof, seven days at least before the expiration of the notice to take such lands as hereinbefore mentioned, find two sufficient persons, to be approved of by the Sheriff, in case the parties differ, who shall enter into a bond to such owner or occupier in a sum to such amount as shall be approved of by the Sheriff, in case the parties differ, for the payment of such compensation as may become payable in respect of the same in manner herein mentioned.

Company to separate the lands before using them.

XXXIII. Before the company shall use any such lands for any of the purposes aforesaid they shall, if required so to do by the owner or occupier thereof, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be required by the said owner or occupier for the convenient occupation of such lands, and shall also, to all private roads used by them as aforesaid, put up fences and gates in like manner, in all cases where the same may be necessary, to prevent the straying of cattle from or upon the lands traversed by such roads, and in case of any difference between the owners or occupiers of such roads and lands and the Company as to the necessity for such fences and gates, such fences and gates as any two Justices shall deem necessary for the purposes aforesaid, on application being made to them, in like manner as hereinbefore is provided in respect of the use of such road.

Stone quarries, &c., to be worked as surveyor or owner shall direct.

XXXIV. That if any land shall be taken or used by the Company, under the provisions of this or the special Act, for the purpose of getting materials therefrom for the construction or repair of the railway or the accommodation works connected therewith, they shall work the same in such manner as the surveyor or agent of the owner of such land shall direct; or, in case of disagreement between such surveyor or agent and the Company, in such manner

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as any Justice shall direct, on the application of either party, after notice of the hearing of the application shall have been given to the other party.

XXXV. In all cases in which the Company shall in exercise of the powers aforesaid enter upon any lands for the purpose of making spoil banks or side cuttings thereon, or for obtaining therefrom materials for the construction or repair of the railway, it shall be lawful for the owners or occupiers of such lands, or parties having such interests therein as, under the provisions in the said Lands Clauses Consolidation Act mentioned, are capable of being by them sold or conveyed to the Company, at any time during the possession of any such lands by the Company, and before such owners or occupiers shall have accepted compensation from the Company in respect of such temporary occupation, to serve a notice in writing on the Company, requiring them to purchase the said lands, or interests therein capable of being sold and conveyed by them respectively; and in such notice such owners or occupiers shall set forth the particulars of such their interests in such lands, and the amount of their claim in respect thereof; and the Company shall thereupon be bound to purchase the said lands, or the interest therein capable of being sold and conveyed by the parties serving such notice.

Owners of lands may compel Company to purchase lands so temporarily occupied.

XXXVI. In any of the cases aforesaid, where the Company shall not be required to purchase such lands, and in all other cases where they shall take temporary possession of lands by virtue of the powers herein or in the special Act granted, it shall be incumbent on the Company, within one month after their entry upon such lands, upon being required so to do, to pay to the occupier of the said lands the value of any crop or dressing that may be thereon, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of their so taking possession of his lands, and shall also from time to time during their occupation of the said lands pay half-yearly to such occupier or to the owner of the lands, as the case may require, a rent, to be fixed by the Sheriff, in case the parties differ, and shall also within six months after they shall have ceased to occupy the said lands, and not later than six months after the expiration of the time by the special Act limited for the completion of the railway pay to such owner and occupier, or deposit in the bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise, as regards the said lands, of the powers herein or in the special Act granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

Compensation to be made for temporary occupation.

XXXVII. The amount and application of the purchase money and other compensation payable by the Company in any of the cases aforesaid shall be determined in the manner provided by the said Lands Clauses Consolidation Act for determining the amount

Compensation to be ascertained under the Lands Clauses Act.

and application of the compensation to be paid for lands taken under the provisions thereof.

*Crossing of
Roads.*

And with respect to the crossing of roads, or other interference therewith, be it enacted as follows :

Before roads
interfered
with, others
to be sub-
stituted.

XLVI. If, in the exercise of the powers by this or the special act granted, it be found necessary to cross, cut through, raise, sink, or use any part of any road, whether carriage road, horse road, tramroad, or railway, either public or private, so as to render it impassable for or dangerous to passengers or carriages, or to the persons entitled to the use thereof, the Company shall, before the commencement of any such operations, cause a sufficient road to be made instead of the road to be interfered with, and shall at their own expense maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with; or as nearly so as may be.

Penalty for
not substitut-
ing a road.

XLVII. If the Company do not cause another sufficient road to be so made before they interfere with any such existing road as aforesaid they shall forfeit twenty pounds for every day during which such substituted road shall not be made after the existing road shall have been interrupted; and such penalty shall be paid to the trustees, commissioners, surveyor, or other person having the management of such road, if a public road, and shall be applied for the purposes thereof, or in case of a private road the same shall be paid to the owner thereof; and every such penalty shall be recoverable, with costs, by action in any competent court.

Party suffer-
ing damage
from inter-
ruption of
road to
recover in
an action
on the case.

XLVIII. If any party entitled to a right of way over any road so interfered with by the Company shall suffer any special damage by reason that the Company shall fail to cause another sufficient road to be made before they interfere with the existing road, it shall be lawful for such party to recover the amount of such special damage from the Company, with expenses, by action in the Court of Session, if the damage claimed exceeds twenty-five pounds, or in the Sheriff Court, if the damage claimed does not exceed twenty-five pounds, and that whether any party shall have sued for such penalty as aforesaid or not, and without prejudice to the right of any party to sue for the same.

Period for
restoration
of roads
interfered
with.

XLIX. If the road so interfered with can be restored compatibly with the formation and use of the railway, the same shall be restored to as good a condition as the same was in at the time when the same was first interfered with by the Company, or as near thereto as may be; and if such road cannot be restored compatibly with the formation and use of the railway, the Company shall cause the new or substituted road, or some other sufficient substituted road, to be put into a permanently substantial condition, equally convenient as the former road, or as near thereto as circumstances will allow; and the former road shall be restored, or the substituted road put into such condition as aforesaid, as the case may be, within the following periods after the first operation on

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the former road shall have been commenced, unless the trustees or parties having the management of the road to be restored by writing under their hands consent to an extension of the period, and in such case within such extended period, (that is to say,) if the road be a turnpike road, within six months, and if the road be not a turnpike road, within twelve months.

L. If any such road be not so restored, or the substituted road so completed as aforesaid, within the periods herein or in the special Act fixed for that purpose, the Company shall forfeit to the trustees, commissioners, surveyor, or other person having the management of the road interfered with by the Company, if a public road, or if a private road to the owner thereof, twenty pounds for every day after the expiration of such periods respectively during which such road shall not be so restored or the substituted road completed; and it shall be lawful for the Sheriff or Justices by whom any such penalty is imposed to order the whole or any part thereof to be laid out in executing the work in respect whereof such penalty was incurred.

Penalty for
failing to
restore road.

LI. If in the course of making the railway the Company shall use or interfere with any road they shall from time to time make good all damage done by them to such road; and if any question shall arise as to the damage done to any such road by the Company, or as to the repair thereof by them, the same shall be determined by the Sheriff or two Justices; and such Sheriff or Justices may direct such repairs to be made in the state of such road, in respect of the damage done by the Company, and within such period, as they think reasonable, and may impose on the Company, for not carrying into effect such repairs, any penalty, not exceeding five pounds *per* day, as to such Sheriff or Justices shall seem just; and such penalty shall be paid to the surveyor or other person having the management of the road interfered with by the Company, if a public road, and be applied for the purposes of such road, or if a private road the same shall be paid to the owner thereof: Provided always, that in determining any such question with regard to a turnpike road the said Sheriff or Justices shall have regard to and make full allowance for any tolls that may have been paid by the Company on such road in the course of the using thereof.

Company to
repair roads
used by them.

And with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the Sheriff or to Justices, be it enacted as follows:—

*Recovery of
Damages and
Penalties.*

CXXXII. In all cases where any damages, charges, or expenses are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by the Sheriff; and if the amount so ascertained be not paid by the Company or other party liable to pay the same, within seven days after demand, the amount may be recovered by pouncing

Provision for
damages not
otherwise
provided for.

and sale of the goods of the Company or other party liable as aforesaid, and the Sheriff shall, on application, issue his warrant accordingly.

Distress, etc.,
against the
Treasurer.

CXXXIII. If sufficient goods of the Company cannot be found whereon to levy any such damages, charges, or expenses payable by the Company, the same may, if the amount thereof do not exceed twenty pounds, be recovered by pointing and sale of the goods of the Treasurer of the Company, and the Sheriff, on application, shall issue his warrant accordingly; but no such pointing and sale shall be executed against the goods of such Treasurer unless seven days' previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such Treasurer, or left at his residence; and if such Treasurer pay any money under such distress or pointing and sale as aforesaid he may retain the amount so paid by him, and all expenses occasioned thereby, out of any money belonging to the Company coming into his custody or control, or he may sue the Company for the same.

Method of
proceeding
before the
Sheriff or
Justices in
questions of
damages.

CXXXIV. Where in this or the special Act, or any Act incorporated therewith, any question of damages, charges, expenses, or other matter is referred to the determination of any Sheriff or Justices, it shall be lawful for the Sheriff or any Justice, upon the application of either party, to order the other party to appear before such Sheriff if the order shall be issued by the Sheriff, or before two Justices if the order shall have been issued by a Justice, at a time and place to be named in such summons; and upon the appearance of such parties, or in the absence of any of them upon proof of due service of the summons, it shall be lawful for such Sheriff or such two Justices, as the case may be, to hear and determine such question, and for that purpose to examine such parties or any of them, and their witnesses, on oath; and the expenses of every such inquiry shall be in the discretion of such Sheriff or Justices, and he or they shall determine the amount thereof.

Publication
of penalties.

CXXXV. The Company shall publish the short particulars of the several offences for which any penalty is imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law of the Company affecting other persons than the shareholders, officers, or servants of the Company, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the Company, and where any such penalties are of local application shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner hereinbefore required.

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CXXXVI. If any person pull down or injure any Board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the purpose of publishing any bye-law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds, and shall defray the expenses attending the restoration of such board.

Penalty for defacing boards used for such publication.

CXXXVII. Every penalty or forfeiture imposed by this or the special Act, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before the Sheriff or two Justices ; and on complaint being made to any Sheriff or Justice he shall issue an order requiring the party complained against to appear before himself, if the order be issued by a Sheriff, or before two or more Justices if the order be issued by a Justice, at a time and place to be named in such order ; and every such order shall be served on the party offending either in person or by leaving the same with some inmate at his usual place of abode ; and upon the appearance of the party complained against, or in his absence after proof of the due service of such order, it shall be lawful for any Sheriff or two Justices to proceed to the hearing of the complaint ; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such Sheriff or Justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such expenses attending the conviction as such Sheriff or Justices shall think fit.

Penalties to be summarily recovered before the Sheriff or two Justices.

CXXXVIII. If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such expenses as aforesaid, be not paid, the amount of such penalty and expenses shall be levied by poinding and sale, and such Sheriff or Justices, or either of them, shall issue his or their warrant of poinding and sale accordingly.

Penalties may be levied by poinding and sale.

CXXXIX. It shall be lawful for any such Sheriff or Justices to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of poinding and sale to be issued for levying such penalty or forfeiture and expenses, unless the offender give sufficient security by way of recognizance or otherwise, to the satisfaction of the Sheriff or Justices, for his appearance before him or them on the day appointed for such return, such day not being more than eight days from the time of taking such security ; but if before issuing such warrant of poinding and sale it shall appear to the Sheriff or Justices, by the admission of the offender or otherwise, that no sufficient poinding and sale can be had within the jurisdiction of such Sheriff or Justices whereon to levy such penalty or forfeiture and expenses, he or they may, if he or they think fit, refrain from issuing such warrant ; and in such case, or if such warrant shall have been issued, and upon the

Imprisonment in default of sufficient poinding.

return thereof such insufficiency as aforesaid shall be made to appear to the Sheriff or Justices, then such Sheriff or Justices shall by warrant cause such offender to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such penalty or forfeiture and expenses be sooner paid and satisfied.

Poining and sale, how to be made.

CXL. Where in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by poining and sale, such sum of money shall be levied by poining and sale of the goods and effects of the party liable to pay the same; and the overplus arising from the sale of such goods and effects, after satisfying such sum of money, and the expenses of the poining and sale, shall be returned, on demand, to the party whose goods shall have been seized.

Poining not unlawful for want of form.

CXLI. No poining and sale made by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser or wrongdoer, on account of any defect or want of form in the summons, conviction, warrant, or other proceeding relating thereto, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action before the Sheriff Court.

Application of penalties.

CXLII. The Sheriff or Justices by whom any such penalty or forfeiture shall be imposed, where the application thereof is not otherwise provided for, may award not more than one half thereof to the informer, and shall award the remainder to the Kirk Session, or Treasurer or Collector of the funds for the poor, of the parish in which the offence shall have been committed, for the benefit of the poor of such parish.

Penalties to be sued for within six months.

CXLIII. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before the Sheriff or Justices, unless the complaint respecting such offence shall have been made before such Sheriff or some Justice within six months next after the commission of such offence.

Damage to be made good in addition to penalty.

CXLIV. If, through any act, neglect, or default on account whereof any person shall have incurred any penalty imposed by this or the special Act, or any Act incorporated therewith, any damage to the property of the Company shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty; and the amount of such damage shall, in case of dispute, be determined by the Sheriff or Justices by whom the party incurring such penalty shall have been convicted; and on nonpayment of such damages, on demand, the same shall be levied by poining and sale, and such Sheriff or Justices shall issue his or their warrant accordingly.

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CXLV. It shall be lawful for any Sheriff or Justice to summon any person to appear before him as a witness in any matter in which such Sheriff or Justice or two or more Justices shall have jurisdiction under the provisions of this or the special Act, or any Act incorporated therewith, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath or to give evidence before such Sheriff or Justice or Justices, every such person shall forfeit a sum not exceeding five pounds for every such offence.

Penalty on witnesses making default.

CXLVI. It shall be lawful for any officer or agent of the Company, and all persons called by him to his assistance, to seize and detain any person who shall be found committing any offence against the provisions of this or the special Act, or any Act incorporated therewith, and whose name and residence shall be unknown to such officer or agent, and convey him with all convenient despatch before the Sheriff or a Justice, without any warrant or other authority than this or the special Act; and such Sheriff or Justice shall proceed with all convenient despatch in the matter of the complaint against such offender.

Transient offenders.

CXLVII. Any Sheriff to whom any application is authorized to be made, and before whom any judicial proceeding shall in consequence take place or become necessary under or by virtue of this or the special Act, or any Act incorporated therewith, shall and he is hereby authorized and required summarily to call before him all parties who appear to him to be interested therein, and to proceed forthwith to hear *viva voce*, and pronounce judgment regarding the matters mentioned in such application or proceedings, or to do the several matters and things required by this Act to be done by him, without waiting the ordinary course of the Roll of Causes before him, and without written pleadings or a written record, or reducing any evidence which may be led by either of the parties to writing, unless and except where the said Sheriff shall consider that the matters mentioned in such application or proceedings can with more advantage be decided with written pleadings and with a written record, in which case he shall proceed to make up a record, and bring the said matters to a conclusion with all convenient despatch; and the orders and judgments of the said Sheriff, when pronounced without a record, shall be final and conclusive, and not subject to review by suspension or advocacy, or to reduction on any ground whatever.

Proceedings by Sheriff need not be in writing.

CXLVIII. The Sheriff or Justice or Justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the schedule to this Act annexed.

Form of conviction.

Proceedings
not to be
quashed for
want of
form, etc.

CXLIX. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by suspension or otherwise into any superior Court.

Power of
appeal to
Sheriff.

CL. In all cases which may come before any Sheriff Substitute under this or the special Act, or any Act incorporated therewith, in which written pleadings shall have been allowed, and a written record shall have been made up, and where the evidence which has been led by the parties shall have been reduced to writing, but in no other case whatever, it shall be competent for any of the parties thereto, within seven days after a final judgment shall have been pronounced by such Sheriff Substitute, to appeal against the same to the Sheriff of the county, by lodging a minute of appeal with the Sheriff Clerk of such county or his depute; and the said Sheriff shall thereupon review the proceedings of the said Sheriff Substitute and whole process, and, if he think proper, hear the parties *visâ voce* thereon, and pronounce judgment; and such judgment shall in no case be subject to review by suspension or advocacy or to reduction on any ground whatever.

Parties al-
lowed to
appeal from
Justices to
Quarter Ses-
sions on giv-
ing security.

CLI. If any party shall feel aggrieved by any determination or adjudication of any Justices with respect to any matter under the provisions of this or the special Act, or any Act incorporated therewith, he may, unless otherwise specially provided, appeal to the General Quarter Sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days' notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a Justice, conditioned duly to prosecute such appeal, and to abide the order of the Court thereon.

Court to
make such
order as
they think
reasonable.

CLII. At the Quarter Sessions for which such notice shall be given the Court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such appeal the Court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they make such order concerning the expenses, both of the adjudication and of the appeal, as they may think reasonable.

HARBOURS, DOCKS, ETC., CLAUSES ACT 1847. 189

SCHEDULE referred to by the foregoing Act—

Form of Conviction before

to wit.

BE it remembered, That on the day of
in the Year of our Lord, *A.B.* is con-
victed before me *C.*, the Sheriff [*or before us D., E., two of Her*
Majesty's Justices of the Peace] for the County of
[*here describe the Offence generally, and the Time and Place when*
and where committed], contrary to the [*here name the special Act*].
Given under my Hand [*or under our Hands*], the Day and Year
first above written.

C.

or

D.

E.

(5.) THE HARBOURS, DOCKS, AND PIERS CLAUSES ACT, 1847 (10 VICT., c. 27).

*By Sec. 4 of "The Glasgow Corporation Waterworks Amendment
Act, 1879," the following clauses are incorporated from "The
Harbours, Docks, and Piers Clauses Act, 1847":—*

XII. The undertakers shall not construct the harbour, dock, or pier, or any part thereof, or any works connected therewith, on any part of the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, without the previous consent of Her Majesty, Her heirs and successors, to be signified in writing under the hands of two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of the Lords of the Admiralty, to be signified in writing under the hand of the Secretary of the Admiralty, and then only according to such plan and under such restrictions and regulations as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Lords of the Admiralty approve of, such approval being signified as last aforesaid; and where any such work shall have been constructed with such consent as aforesaid, the undertakers shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension, the like consents or approvals; and if any such work shall be commenced or completed without such consent and approval, the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the said Lords of the Admiralty, may abate and remove the same, and restore the site thereof to its former condition, at the costs of the undertakers, and the amount of such costs shall be a

Works on the
shore of the
sea, &c., not
to be con-
structed
without the
authority of
the Commis-
sioners of
Woods, &c.,
and of the
Admiralty.

debt due to the Crown, and recoverable against the undertakers accordingly: provided always that if the conservancy of the navigable river shall legally belong to any person the like consent and approval of such person shall also be necessary in addition to the consents, and approvals herein-before required; and if the right of property of or in the shore shall legally belong to any person, such right shall not be prejudiced except so far as power to purchase the same shall be given by the special Act.

Before alterations in plans are executed, to be approved of by the Admiralty and the Commissioners of woods, &c.

XIII. If the undertakers propose to make any deviations from or alterations in the plans of their works, deposited as aforesaid, they shall, before adopting and carrying such deviations or alterations into execution, submit the plans thereof to the Lords of the Admiralty, and also to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and no deviations from or alterations in the deposited plans shall be adopted by the undertakers unless approved by the Lords of the Admiralty or the said Commissioners respectively, signified in manner aforesaid, or otherwise as they shall think proper.

PART II.

PROVISIONS OF GENERAL PUBLIC AND LOCAL ACTS MADE
APPLICABLE OR HAVING REFERENCE TO, THE GLASGOW
CORPORATION WATERWORKS.

(1.) THE GENERAL TURNPIKE ROADS ACT.
(1 AND 2 WILL. IV., C. 43.)

By Sections 69 and 70 of "The Glasgow Corporation Waterworks Act, 1855," the Commissioners in laying pipes along turnpike roads, are subject to the provisions prescribed in the following section of "The General Turnpike Roads Act":—

C. And be it enacted that if the causeways and footpaths of any turnpike road or any part thereof shall be opened up by any person or persons, with leave of the said Trustees [the Road Trustees], or otherwise having authority so to do, for the laying of pipes for water, gas, tunnels, or railroads, or for any other purposes whatever, and the same shall not be immediately thereafter repaired, renewed, and rendered completely sufficient and good by the person or persons opening up the same, to the satisfaction of the said Trustees, or their Surveyor, then the said Trustees, or their Surveyor, shall have full power, and they are hereby authorised to execute the necessary repairs on the part or parts of such road or footpath so opened up, and to restore the same completely, and to charge the expense thereof against the person or persons opening up the same, which shall be ascertained by an account under the hands of the said Trustees or a quorum of them, or of their Clerk or Surveyor; and if any damage shall happen to the public from the operations of the persons opening up the road as aforesaid, such persons shall be solely liable for the same, and be obliged to relieve the said Trustees thereof and of all expenses attending the same; and in all cases where any injury shall arise to any turnpike road from any drain, conduit, pipe, water, matter, or thing whatsoever being conveyed across, in, under, or upon, or by anything done upon any part of any such road, by any person having leave or otherwise entitled so to do, and such injury shall not be immediately repaired to the satisfaction of the Trustees, they or their Surveyor are hereby authorised to repair the same, and charge the expense thereof as aforesaid against the person occasioning the said injury, or for whose uses or purposes the thing occasioning the same shall be done or kept.

Persons opening up or conveying water across the roads or causeways must repair them.

(2.) THE GLASGOW MUNICIPAL ACT, 1872.

AN

ACT

To extend the Municipal Boundaries of the City of Glasgow, to regulate the office of the Town Clerk; and for other purposes.

35 AND 36 VICT., CAP. 41.

[*Royal Assent, 27th June, 1872.*]

See Note to Sect. 83 of "The Glasgow Corporation Waterworks Act, 1855," p. 29.

Whereas by an Act passed in the ninth and tenth years of the reign of her present Majesty, intituled "An Act to extend the Municipal Boundaries of the City of Glasgow, to amend the Acts relating to the Police and Statute Labour of the said city and adjoining districts, and for other purposes in relation to the Municipality and Police of the said city," the municipal boundaries and limits of the city of Glasgow were extended.

And whereas the city has since the passing of that Act greatly increased in extent and population, and spread beyond the boundaries and limits then fixed.

And whereas it is expedient that the municipal boundaries of the said city should be further extended, and the municipal franchise, rights, privileges, and immunities of the said city, and of the powers and jurisdiction of the Lord Provost and Magistrates, and of the Magistrates and Council, and of the Burgh and Dean of Guild Courts thereof, should be extended over the lands and territory hereinafter described, and the inhabitants of the same, and that the powers and provisions of various Acts relating to the said city should be in some respects amended and made applicable to, and that there should be one municipal government for, the said extended burgh.

And whereas a portion of the lands and territories proposed to be included within the municipal boundaries are situated within the burgh of Partick, and it is expedient that such portion of the said burgh should be dissociated from the said burgh and included within the said extended municipal boundaries of the city.

And whereas these purposes cannot be effected without the authority of Parliament :

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

I. This Act may be cited for all purposes as "The Glasgow Short title. Municipal Act, 1872."

II. This Act shall, except as otherwise provided, come into operation on and from the fifteenth day of May, one thousand eight hundred and seventy-three. Date of Act coming into operation.

III. In this Act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction :— Interpretation of terms.

The words "the Burgh" shall mean the present burgh of Glasgow within the limits described and defined in an Act passed in the second and third years of the reign of his late Majesty King William the Fourth, intituled "An Act to amend the representation of the people in Scotland."

The words "the City and Royal Burgh of Glasgow," and the words "Limits of this Act," shall mean and comprehend the whole area and territory within the limits and boundaries of the city and royal burgh of Glasgow, as defined by this Act.

The words "Lord Provost, Magistrates, and Councillors," shall mean the Lord Provost, Magistrates, and Councillors elected or holding office under or by virtue of this Act.

The words "The Water Commissioners" shall mean the Commissioners acting under "The Glasgow Corporation Waterworks Act, 1855."

V. The city and royal burgh of Glasgow shall for all municipal purposes, and for the purposes of this Act, comprehend the burgh, and in addition thereto the whole area, lands, and territory within the following boundary and limits :— Defining limits of city and royal burgh of Glasgow.

First.—The lands and territory within the ancient royalty of the royal burgh of Glasgow not now included within the municipality, embracing Springburn, and lands and places adjacent, also the lands and territory of Broomhill, Port Dundas, Hundred-Acre Hill, Keppoch Hill, Cowlares, and others, situate in the city parish of Glasgow, and the parishes of Barony, Springburn, and Maryhill, or some of them, all in the county of Lanark, so far as the said several lands and territories are embraced within the following area or boundary, viz :—

A boundary commencing at a point on the parliamentary boundary of Glasgow (defined in the Act 2 and 3 William IV., cap. 65, intituled "An Act to amend the representation of the people in Scotland," and hereinafter referred to as the parliamentary bound-

dary), situate in Low Garngad Road, where the Garngad Burn crosses that road, such burn being called in the said Act the Grimston Burn, and following the boundary of the ancient royalty in a northerly, easterly, and north-westerly direction along the lines of the royalty boundary stones until it reaches its most northerly point, situate two hundred and seventy-seven yards or thereby north-west from the north end of Cowlairs Cottages, thence following the said royalty boundary in a southerly and westerly direction along the lines of the royalty boundary stones until it reaches a point two hundred and thirty yards or thereby, measuring in a north-westerly direction, from the north-west corner of Cowlairs Mansion House, thence (leaving the said royalty boundary) in a westerly direction, in a straight line, for a distance of five hundred and forty-three yards or thereby, till it again meets the said royalty boundary at a point ninety-three yards or thereby, measuring in a northerly direction, from the north-west corner of Craigbank House, thence following the said royalty boundary, in a westerly and south-westerly direction, along the lines of the royalty boundary stones till it meets the parliamentary boundary at a point in the centre of the Forth and Clyde Canal, called in the said Act the Great Canal, situate one hundred and seventy-six yards or thereby, measuring in a northerly direction, from a point in the centre of Garscube Road, opposite the centre of Well Road, and thence along the parliamentary boundary, in a south-easterly, southerly, and easterly direction, along the centre of the Great Canal and the cut of junction to the bridge over the cut of junction on the Glasgow and Kirkintilloch Road, thence eastward along the Low Garngad Road to the point first described.

Second.—The lands and territory of Wester Kennyhill, and others, on the north side of the Glasgow and Cumbernauld Road, now formed into the public park called Alexandra Park, situate in the parish of Springburn and county of Lanark, so far as embraced in the following area or boundary, viz. :—

A boundary commencing at a point on the parliamentary boundary situate two hundred and seventy-two yards or thereby, measuring in a north-easterly direction, from the north-east corner of North Haghill House, and passing in a northerly, easterly, and northerly direction along the March between Alexandra Park and the lands of Easter Kennyhill to the south side of the towing-path of the Monkland

Canal, thence along the south side of the towing-path, in a westerly direction, for a distance of five hundred and ninety yards or thereby, till it meets the parliamentary boundary, thence along the parliamentary boundary, in a straight line, in a south-easterly direction to the point first described.

Third.—The lands and territory of Gilmorehill, Donaldshill, and others, including part of the public park called Kelvin-grove Park, and the College of Glasgow, with the hospital and grounds thereto attached, situate in the parish of Govan and county of Lanark, so far as embraced in the following area or boundary, viz. :—

A boundary commencing at a point on the parliamentary boundary, situate in the centre of the river Kelvin, and on the line of the north-east side of the bridge which carries the Glasgow and Yoker Road, commonly called the Dumbarton Road, across the Kelvin, and passing in a northerly and westerly direction along the north-east and north side of said road till it reaches a point one hundred and fourteen yards or thereby, measuring in an easterly direction, from the south-east corner of Church Street and Dumbarton Road, thence in a northerly direction for a distance of one hundred and one yards or thereby, thence in a westerly direction, and at right angles to the line last described, to a point distant fifty-six yards from the east side of Church Street, thence in a northerly direction, and in a line parallel to Church Street, till it meets the Hillhead Road, thence along the south side of the Hillhead Road till it meets the march between the lands of Gilmorehill and Westbank, thence eastward along and in continuation of the line of such march till it meets the parliamentary boundary in the centre of the river Kelvin, thence southward and westward along the centre of the river Kelvin to the point first described.

XV. The Lord Provost, Magistrates, and Councillors, as such, and as the Water Commissioners, the Market Commissioners, and the Improvement Trustees, and the Lord Provost, and the Magistrates, and the Dean of Guild of the city and royal burgh of Glasgow, and their respective Courts, shall have, possess, and exercise the same jurisdictions, powers, rights, and authorities over the city and royal burgh of Glasgow, and over the inhabitants thereof, as the Lord Provost, Magistrates, and Councillors, as such, and as the Water Commissioners, the Market Commissioners, and the Improvement Trustees, and the Lord Provost, and the Magistrates, and the Dean of Guild of the burgh, and their respective

Jurisdiction
of Lord Pro-
vost, Magis-
trates, etc.,
extended ;
other juris-
dictions to
cease.

Courts, now have, possess. and exercise, either within the royalty or within the burgh, and that whether at common law or by statute, including all powers of assessment, appeal, and otherwise ; and all subordinate and separate magistracies, councils, commissioners, and jurisdictions within that portion of the before-mentioned burgh of Partick, and other places embraced within the district added, shall, from and after the fifteenth day of May, one thousand eight hundred and seventy-three, cease and determine ; saving and reserving always the existing authority and jurisdiction within the city and royal burgh of Glasgow of the Justices of the Peace of the counties of Lanark and Renfrew, except in so far as the same is hereby altered or affected.

Glasgow
Corporation
Waterworks
Act amended.

XXVIII. The limits of compulsory supply in "The Glasgow Corporation Waterworks Act, 1855," and the expression "City of Glasgow" in said Act, or in any Acts in force for the time being, shall mean and be equivalent to the city and royal burgh of Glasgow as defined by this Act, and all the powers and provisions of the said Act or Acts applicable within the limits of compulsory supply as therein defined shall be applicable to the city and royal burgh of Glasgow, but without prejudice to the provisions in those Acts in favour of certain districts

(3.) THE GLASGOW MUNICIPAL ACT, 1878.

AN

ACT

*To extend the Municipal Boundaries of the City of Glasgow ; and
for other purposes.*

41 AND 42 VICT., CAP. 100.

[*Royal Assent, 17th June, 1878.*]

*See Note to Sect. 83 of "The Glasgow Corporation Waterworks Act, 1855,"
p. 29.*

Whereas by an Act passed in the ninth and tenth years of the reign of her present Majesty intituled "An Act to extend the Municipal Boundaries of the City of Glasgow, to amend the Acts relating to the Police and Statute Labour of the said City and adjoining districts, and for other purposes in relation to the Municipality and Police of the said City," the municipal boundaries and limits of the city of Glasgow were extended.

And whereas the city having since the passing of that Act greatly increased in extent and population, and spread beyond the boundaries and limits then fixed, the municipal boundaries of the city were further extended by "The Glasgow Municipal Act, 1872."

And whereas it is expedient that the municipal boundaries of the said city should be further extended, and the municipal franchises, rights, privileges, and immunities of the said city, and the powers and jurisdictions of the Lord Provost and Magistrates and of the Magistrates and Council and of the Burgh and Dean of Guild Courts thereof, should be extended over the lands hereinafter described, and the inhabitants of the same, and that the powers and provisions of various Acts relating to the said city should be in some respects amended and made applicable to the said extended burgh, and that there should be one municipal government therefor.

And whereas these purposes cannot be effected without the authority of Parliament :

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same as follows :—

I. This Act may be cited for all purposes as "The Glasgow Short title. Municipal Act, 1878."

Date of Act
coming into
operation.

II. This Act shall, except as otherwise provided, come into operation on and from the fifteenth day of May, one thousand eight hundred and seventy-nine.

Interpreta-
tion clause.

III. In this Act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction :—

.
The words “the existing Burgh” shall mean the present city and royal burgh of Glasgow within the limits described and defined in “The Glasgow Municipal Act, 1872.”

The words “the City and Royal Burgh of Glasgow,” and the words “Limits of this Act,” shall mean and comprehend the whole area and territory within the limits and boundaries of the city and royal burgh of Glasgow as defined by this Act.

The words “the Corporation” shall mean the Lord Provost, Magistrates, and Council of the city and royal burgh of Glasgow.

.
The words “Lord Provost, Magistrates, and Councillors” shall mean the Lord Provost, Magistrates, and Councillors of the city and royal burgh of Glasgow.

.
The words “the Water Commissioners” shall mean the Commissioners acting under “The Glasgow Corporation Waterworks, Act, 1855,” and the several Acts amending the same.

Defining
limits of city
and royal
burgh of
Glasgow.

V. The city and royal burgh of Glasgow shall for all municipal purposes, and for the purposes of this Act, comprehend the burgh and in addition thereto the whole area, lands, and territory within the following boundary and limits (that is to say) :—

A boundary commencing at a point on the parliamentary boundary of Glasgow (as defined by the Act second and third William the Fourth, chapter sixty-five, intituled “An Act to amend the Representation of the People in Scotland,” and hereinafter referred to as the parliamentary boundary), distant one hundred and eighteen yards or thereabouts, measuring in a straight line in a westerly direction from the point where the parliamentary boundary is intersected by the central line of the turnpike road from Glasgow to Cathcart, and proceeding thence westward along the parliamentary boundary to the point where the parliamentary boundary is intersected by the boundary between the counties of Lanark and Renfrew, thence southward and eastward along the said boundary between the counties of Lanark and Renfrew till the last-mentioned boundary is intersected by the south side of the

statute labour road, now called Allison Street, thence northward for a distance of one hundred and thirty feet or thereabouts along a line at right angles to the buildings erected on the south side of Allison Street to a point where the said line is intersected by a line parallel to the said buildings erected on the south side of Allison Street, thence eastward along the line last mentioned to a point where the same is intersected by the boundary between the property feued by the Trustees of the late William Dixon, Esquire, of Govanhill, to William Weir and the property of the Incorporation of Hutcheson's Hospital, thence northward and north-eastward along the said boundary to a point where the same is intersected by a line parallel to and one hundred and five feet or thereabouts west of the central line of the statute labour road now called Langside Road, thence northward along the last-mentioned line to a point where the same is intersected by a line parallel to and one hundred and ten feet or thereabouts north of the central line of the street called Calder Street, sixty feet wide, thence eastward along the last-mentioned line to a point where the same is intersected by a line parallel to and one hundred and ten feet or thereabouts west of the central line of a street sixty feet wide, agreed to be formed by the Trustees of the late William Dixon of Govanhill and the Incorporation of Hutcheson's Hospital, conform to contract of excambion between them, thence northward along the last-mentioned line to the point first described.

XIX. The limits of compulsory supply in "The Glasgow Corporation Waterworks Act, 1855," "The Glasgow Corporation Waterworks Amendment Act, 1859," "The Glasgow Corporation Waterworks Amendment Act, 1860," "The Glasgow Corporation Waterworks Amendment Act, 1865," "The Glasgow Corporation Waterworks Amendment Act, 1866," "The Glasgow Corporation Waterworks Amendment Act, 1873," and "The Glasgow Corporation Waterworks Amendment Act, 1877," and the expression "city of Glasgow" in the said Acts, and in "The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Glasgow) Act, 1877," or in any Acts with reference thereto in force for the time being, shall mean and be equivalent to the city and royal burgh of Glasgow as defined by this Act, and all the powers and provisions of the said Act or Acts applicable within the limits of compulsory supply as therein defined shall be applicable to the city and royal burgh of Glasgow, but without prejudice to the provisions in those Acts in favour of certain districts.

Extension of compulsory water supply under Glasgow Corporation Waterworks Act, 1855.

PART III.

PROVISIONS IN THE GORBALS GRAVITATION WATER COMPANY'S ACTS, RELATING TO THE RIGHTS OF THE PROPRIETORS OF THE ESTATES OF UPPER AND NETHER POLLOK.

(1.) THE GORBALS GRAVITATION WATER COMPANY ACT, 1846.
(9 AND 10 VICT., C. 347.)

By Sect. 77 of "The Glasgow Corporation Waterworks Act, 1855," these rights are expressly reserved to the proprietors of said estates :—

Right of fishing, etc., in reservoirs on Upper Pollok reserved.

XXXVIII. And be it enacted, That the proprietor of the estate of Upper Pollok for the time being, and the family, visitors, and friends of such proprietor, and the occupiers for the time being of the mansion houses on said estate, shall have and enjoy the exclusive right of fishing, shooting, and sporting in and over the reservoirs which may be formed by the Company upon the said estate, and also of keeping and using boats of pleasure on the said reservoirs, and also of taking ice therefrom, and of skating and curling thereon, but so that the exercise of such rights shall not injure the embankments of the said reservoirs or pollute the water therein farther than may be consequent on the fair exercise of such reserved rights ; and such rights and privileges shall not belong to or be enjoyed by the Company or their servants or other party under their authority : Provided always, that it shall be lawful for the said Company, or any person acting under the authority of the Company, to keep and use boats on the said reservoirs for the sole purpose of inspecting, repairing, and renewing the works of the Company, and cleansing the said reservoirs : Provided also, that the privileges above mentioned shall be personal to the proprietor of the said estate for the time being, and persons before mentioned having his consent, and shall not be let or transferred to any other parties.

Right of fishing, etc., in reservoirs on Nether Pollok reserved.

XXXIX. And be it enacted, That the proprietor of the estate of Nether Pollok for the time being, and the family, visitors, and friends of such proprietor, and the occupiers for the time being of the mansion houses on said estate, shall have and enjoy the exclusive right of fishing, shooting, and sporting in and over the reservoirs which may be formed by the Company upon the said estate, and also of keeping and using boats of pleasure on the said reservoirs, and also of taking ice therefrom, and of skating and curling thereon, but so that the exercise of such rights shall not injure the embankments of the said reservoirs, or pollute the water therein farther than may be consequent on the fair exercise

GORBALS GRAVITATION WATER COY. ACT, 1846. 201

of such reserved rights ; and such rights and privileges shall not belong to or be enjoyed by the Company or their servants or other party under their authority : Provided always, that it shall be lawful for the said Company, or any person acting under the authority of the Company, to keep and use boats on the said reservoirs, for the sole purpose of inspecting, repairing, and renewing the works of the Company, and cleansing the said reservoirs : Provided also, that the privileges above mentioned shall be personal to the proprietor of the said estate for the time being, and persons before mentioned having his consent, and shall not be let or transferred to any other persons.

XL. And be it enacted, That the said Company shall be bound to compensate and satisfy the proprietors of the estates of Upper and Nether Pollok respectively, and their tenants and feuars for the time being, and any other person whatever, for all legal claims for damage which may eventually arise and be established on account of the overflowing, breaking out, bursting, or leaking of the Company's reservoirs, or failure or insufficiency of their works, or in any other manner or way whatever, in consequence of the Company's operations authorized by this Act or otherwise. Compensation for damages, etc.

XLI. Provided always, and be it enacted, That nothing herein contained shall prevent the proprietor of the estate of Upper Pollok, and his tenants on the said estate, from using the water of the said Brockburn for all ordinary domestic or farming purposes, and from running into the same, for all such purposes, sinks, sewers, and drains, doing as little injury to the water as possibly may be in the exercise of such rights. Proviso as to drains, etc.

XLII. And be it enacted, That it shall be lawful for the Company to construct, repair, maintain, and alter dams or reservoirs on and contiguous to the said stream or river called the Brock or Brockburn, and to place, maintain, vary, extend, enlarge, repair, remove, replace, and use all conduits, mains, and other pipes, cisterns, aqueducts, fountains, wells, waste pipes, waster, or by-washes, drains, plugs, and stopcocks, and other works, in, upon, and under, and along the lands, houses, roads, streets, bridges, squares, areas, quays, wharfs, lanes, closes, passages, and other places leading unto and situated within the said barony or regality of Gorbals and the said burgh or town of Pollokshaws and neighbourhood thereof, and the said town or village of Govan and neighbourhood thereof, and places intermediate or adjacent, as may be necessary for the purpose of supplying water to the inhabitants therein, and others requiring it, for domestic, manufacturing, and other purposes, from the said stream or river called the Brock or Brockburn, or any dam, basin, or reservoir to be constructed for containing or storing the water thereof, and for that purpose to enter the lands and break up or open the soil thereof, and causeways and pavements or soil of any such streets, roads, and other places, and any public sewer or drain therein, the said Company doing as little damage as may be in the execu- Power to construct reservoirs, break up streets, etc.

Proviso as
to Nether
Pollok
Estate.

tion of the said powers, and making compensation for any damages actually caused thereby in manner herein or in the said recited Acts mentioned : Provided always, that nothing herein contained shall authorize the Company to enter upon, take possession of, or use any part of the estate of Nether Pollok, or to make any dam or reservoir thereon, or lay any pipes therein, or execute any work upon the said estate, otherwise than delineated on the said plan, except such conduit and similar works in connection therewith as may be found to be necessary for carrying out the plans delineated ; and in the event of any dispute as to the necessity of such works, the question shall be determined, in the option of the proprietor, by James Smith, Esquire, of Deanston, or by any engineer appointed by the Sheriff of Lanarkshire ; and provided also, that nothing herein contained shall prevent the proprietor of the estate of Nether Pollok, or his tenants on the said estate, from using the water of the said Brockburn below the Waulkmillglen reservoir, together with the water at present collected and conveyed to Patterton farm, for all domestic or farming purposes, or for manufacturing purposes, not inconsistent with the prohibition herein contained against polluting the said water, or from running such sinks, sewers, or drains into the same as may be necessary, doing as little injury to the water as possibly may be in the exercise of such rights ; and that if any portion of the estate of Nether Pollok occupied by the mains or pipes or the Company shall become useful for any purpose of improvement, then the mains or pipes of the Company shall be shifted to any reasonable extent, at the desire and expense of the proprietor of that estate, and at the sight and to the satisfaction of the said James Smith of Deanston, or any engineer to be appointed by the said Sheriff ; provided always, that such change shall not injure the works of the Company.

(2.) THE GORBALS GRAVITATION WATER COMPANY ACT, 1850.
(13 AND 14 VICT., c. 92.)

Restrictions
as to lands to
be acquired
from proprie-
tor of Upper
Pollok.

XIII. And be it enacted, That the Company shall not erect any dwelling-house, manufactory, or other house on the lands to be acquired from the proprietor of the estate of Upper Pollok, excepting a house for a manager or lock-keeper, which, if necessary for the purposes of the Company, they shall have liberty to erect on the north side of the said intended reservoir ; and in the event of the lands to be acquired by the Company from the proprietor of the said estate of Upper Pollok ceasing to be required for the purposes aforesaid, the Company shall not have power to sell such lands or any part thereof without having twelve months previously offered to sell the same to the proprietor of the said estate of Upper Pollok for the time being ; and if the proprietor of the said estate shall agree within that period to purchase such

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lands, the amount of the price thereof, if the parties themselves shall not agree as to the same, shall be ascertained in terms of the "Lands Clauses Consolidation (Scotland) Act, 1845."

XIV. And be it enacted, That the whole rights, privileges, provisions, and obligations contained in "The Gorbals Gravitation Water Company Act, 1846,"¹ in favour of the proprietor of the estate of Upper Pollok for the time being, and the family and visitors and friends of such proprietor, and of the occupiers for the time being of the mansion house of the said estate, and also of the tenants and feuars of the said estate of Upper Pollok for the time being, shall be extended to the reservoir and works to be constructed on the said estate authorized by this Act so far as applicable to the said reservoir and works.

Certain rights
of proprietor
of Upper
Pollok re-
served.

¹ See sections 38 to 42 of this Act, pp. 200, 201 and 202.

PART IV.

EXTRACT REGISTERED CONTRACT between The Gorbals Gravitation Water Company and The Corporation of Renfrew; dated 15th October, 1852, and registered in the Books of Council and Session at Edinburgh, 29th December, 1853.

By Sect. 80 of "The Glasgow Corporation Waterworks Act, 1855," it is enacted that this Agreement shall be binding on and enforceable against the Commissioners.

At Edinburgh, the Twenty-ninth day of December, One thousand eight hundred and fifty-three years : In presence of the Lords of Council and Session, compeared George Monro and Thomas Mackenzie, Esquires, advocates, as procurators for the parties after named and designed, and gave in the contract under written, desiring the same might be registered in their lordships' books, conform to law, which desire the said Lords found reasonable, and ordained the same to be done accordingly, whereof the tenor follows, viz. :—It is contracted, agreed, and ended between The Gorbals Gravitation Water Company, incorporated by "The Gorbals Gravitation Water Company Act, 1846," on the first part, and The Magistrates and Town Council of the Royal Burgh of Renfrew, on the second part, as follows : Whereas it has been represented by the said second party to the said first party that the Burgh of Renfrew is at present very inadequately supplied with pure wholesome water for the use of the inhabitants thereof, and that it would be greatly for the benefit of the inhabitants and the prosperity of the burgh, particularly with reference to the feuing grounds belonging to the Corporation, if the said Water Company would extend their works and pipes so as to introduce a supply of water into the burgh in connection with the works of the Company; and whereas the said first party having entertained the proposal so to extend the supply, conferences were held with the Directors of the said Company and deputations from the said Town Council, with the view of arranging and fixing terms, the result of all which has been that the parties have agreed to the conditions after specified : Therefore the said parties have agreed, and do hereby agree, to the following articles and conditions, viz. :—*First*, That the said Company shall take the necessary measures for introducing into Parliament, at the earliest period, a Bill for an Act to supply the said Royal Burgh of Renfrew and inhabitants thereof with water at the rates, and on the terms contained in "The Gorbals Gravitation Water Company Act, 1846," and in "The Gorbals Gravitation Water Company Act, 1850" (with liberty to the Company to introduce into the

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Bill, if they think proper, power to supply other places than Renfrew, not comprehended in the said Acts, or for any other purpose connected with their Company), and to prosecute the Bill and to obtain the Act, if possible, with all due diligence : And on the Act being obtained, that the Company shall lay pipes along the turnpike road leading from Glasgow to Renfrew, and introduce a supply of water thereby into the said burgh for the said purposes, with all convenient expedition. *Second*, That the said Magistrates and Town Council shall not only petition Parliament in favour of the said Bill, but also bear the charges of two or three witnesses going to London to give evidence to prove the preamble of the Bill, in so far as the same shall apply to the expediency or necessity of supplying the said burgh with water, and the Council shall also obtain the consent of the Trustees of the said turnpike road to Renfrew, to the Company using that road for the purpose of laying and maintaining the said pipes. *Third*, That the said Magistrates and Town Council shall contribute to the Company towards the expense of applying for and obtaining the said Act, and of the expense of the pipes to be laid by the Company for affording said supply, the sum of One thousand seven hundred and fifty pounds sterling, and shall pay that sum to the Company by the following instalments, viz., Five hundred pounds on the first day of January, Eighteen hundred and fifty-three ; Five hundred pounds on the Royal Assent being obtained to the Act ; and the balance, being Seven hundred and fifty pounds, on the water being introduced by the Company into the burgh ; but in the event of the Bill, in so far as the same shall apply to the supplying of the said burgh with water, being opposed in Parliament, the Council shall pay to the Company Two hundred and fifty pounds farther in equal proportions, at the said two last mentioned periods at which the other sums above specified are payable ; and in the event of the said Company failing to obtain an Act for the purposes foresaid, they shall repay to the said Magistrates and Town Council the foresaid first instalment of Five hundred pounds to be advanced by them on first January, Eighteen hundred and fifty-three as aforesaid. *Fourth*, That the Company shall allow the Magistrates and Council to flush water into the common sewers of the burgh when necessary, for cleansing the same, but that only at the sight and under the control of the manager or engineer of the Company, but not at any time when it may happen that in the opinion of the manager or engineer it would be inexpedient to use the water for that purpose, as endangering the supply of water for the other purposes of the Act ; and the said parties hereby enact and bind and oblige themselves and their successors in office, the one to the other, to implement, fulfil, and perform the said conditions and obligations to each other in all particulars, under the penalty of One hundred pounds sterling attour performance ; and the parties consent to the registration hereof in the books of Council and Session, or others competent, therein to remain for preservation, and that letters of horning, or other legal diligence, on six days' charge, may pass on a decree to be interponed hereto in common

form, and thereto constitute the said George Monro and Thomas Mackenzie, Esquires, advocates, procurators. In witness whereof these presents written on stamped paper by James Graham Girvan, clerk to Andrew Gemmell, writer in Glasgow, are subscribed (under this declaration that ten words are deleted on the twenty-sixth line from the top hereof) as follows, viz. :—By John Bain, John Mitchell, George Binnie, William Russell, Matthew Andrew Muir, and Alexander Harvey, six and more than a quorum of the Directors of the said Company; and by the said Company, by the common seal of the Company being affixed hereto by the said Andrew Gemmill, as Secretary of the Company, who also subscribed these presents, all at a meeting of the Directors of the said Company, at Glasgow the Fifteenth day of October, Eighteen hundred and fifty-two years, before these witnesses, George Hodges, manager to the said Company, and Alexander Henderson, clerk to the said Andrew Gemmill; and by George Boyd, Provost of the said Royal Burgh, and James Houston and Matthew Robin, Bailies of the said Royal Burgh, and Robert Lang, John Stewart, John M'Intyre, John Blackburn Hislop, William Bell, John Waterston, William Barr, Bernard Russell, Robert Brown, James Robertson, Archibald Adam, James Muir, George Hunter, and Walter Barr, all Councillors of the said Royal Burgh, and more than a quorum thereof, for and on behalf of the said Magistrates and Town Council of the Royal Burgh of Renfrew and Corporation thereof, and all in Council meeting assembled, at Renfrew, the said Fifteenth day of October, Eighteen (*sic*) and fifty-two years, before these witnesses, George Hutcheson, Town Clerk of Renfrew, and John Thomson, Town Officer, Renfrew—(signed) Geo. Boyd, Jas. Houston, Mathew Robin, Robt. Lang, John Stewart, John M'Intyre, J. B. Hislop, William Bell, John Waterston, Wm. Barr, Bernard Russell, Robert Brown, Jas. Robertson, Archd. Adam, James Muir, George Hunter, Walter Barr, John Bain, John Mitchell, George Binnie, Wm. Russell, Matthew A. Muir, Alex. Harvey, Andw. Gemmill, Secy. (L.S.); George Hodges, witness; Alexr. Henderson, witness; Geo. Hutcheson, witness; John Thomson, witness. Extracted from the Records in Her Majesty's General Register House, upon this and the nine preceding pages of stamped paper, by me, Curator of the Historical Department, thereof having commission for that effect from the Lord Clerk Register.

(Signed) JOSEPH ROBERTSON.

PART V.

CLAUSES OF (1) the Gorbals Gravitation Water Company's Acts, containing (a) the terms, conditions, and provisions relative to supply of water to the burgh of Renfrew, and (b) fixing the domestic rates to be charged by that Company to consumers generally; and (2) the Glasgow Water Company's Act, 1838, fixing the domestic rates to be charged by that Company to consumers generally.

See Sections 80 and 93 of "The Glasgow Corporation Waterworks Act, 1855," pp. 26 and 33.

(1.) THE GORBALS GRAVITATION WATER COMPANY ACT, 1846.
(9 AND 10 VICT., C. 347.)

XLVIII. And be it enacted, That it shall be lawful to and for the said Company or Directors to fix and determine the rate or rates at which they shall supply water as aforesaid to the inhabitants for domestic, manufacturing, or other purposes, and from time to time to alter, raise, or reduce the same, but so as the same shall never exceed five per centum on the valued rent of the premises in respect of which such rates are chargeable; provided always, that the said limitation of rates shall apply to private dwelling-houses, and to the use of water for family use only.

LII. And whereas the rates which will be payable to the said Company for supplying of water to the said inhabitants, for domestic, manufacturing, and other purposes, will in many instances be small, and, if not regularly paid, the recovery thereof by actions at common law will be attended with great expense to those in arrear: Be it therefore enacted, That if any person or persons shall refuse or delay to pay the rates respectively due by them to the said Company for being supplied with water as aforesaid, for the space of fourteen days after the same shall have fallen due and been demanded from him, either personally or by leaving a written or printed requisition from the Collector, Treasurer, or Secretary of the said Company at the dwelling-house or other premises for supplying which with water the rates shall be due, it shall be lawful for the said Company, or Collector, Treasurer, or Secretary, to apply to the Sheriff of Lanarkshire for a summary warrant to recover such rates or arrears of rates, and he is hereby authorized and directed, upon exhibition by the person making such application of a list of the names and designations of the persons so refusing or delaying to pay such rates, with a statement annexed to the names of the several defaulters, specifying the amount due by them respectively, and a certificate, signed by the said Collector, Treasurer, or Secretary that such rates are truly due by the said persons respectively, and that pay-

ment thereof has been demanded in manner aforesaid, to grant warrant to any Sheriff's Officer having the authority of the Company or Directors, or the Collector, Treasurer, or Secretary of the Company, to enter into the premises of the persons in arrear respectively, wherever situate, and to poind, seize, and take possession of their goods and effects, or so much thereof as will fully satisfy the debt and expenses; and the goods and effects so poinded or seized shall be detained and kept on the ground or at the premises where the same were poinded or seized, or in such other place convenient thereto, of which the owners shall have notice, as the officer so poinding or seizing shall think proper, for the space of four days; and if within that period the said rates, together with the necessary expenses of such poinding or seizing, shall not be paid, it shall then be lawful for the Collector, Treasurer, or Secretary of the said Company, or any officer acting for the Company, forthwith to sell and dispose of the said goods and effects, or such part thereof as shall be necessary, by public roup, at some convenient public place, or as may be specially appointed by the judge, and to apply the proceeds in payment of the rates respectively owing, and the expenses of procedure, paying over the surplus, if any, to the owner; provided that the Sheriff Clerk shall be at liberty to charge from the person applying for such warrants, or the persons liable in such arrears of rates, one per centum on the sums due, and no more, for each such warrant; and provided also, that it shall be optional to the Company to recover such rates, either in the manner provided by this Act, or according to the form of procedure observed in the Sheriff's Court of Scotland, as shall appear to the Company or officers thereof to be most expedient.

Rates at which the Company are to supply water.

LX. And be it enacted, That the Company shall, at the request of the owner or occupier, furnish to every occupier of a private dwelling-house or part of a dwelling-house in any street within ten yards of which any pipe of the Company shall be laid, a constant and sufficient supply of water for the domestic use of every such occupier, at a rate per centum per annum not exceeding five per centum of the yearly rent or yearly value of such dwelling-house or part of a dwelling-house supplied with water by the Company: Provided nevertheless, that the Company shall not be obliged to furnish such supply to any owner or occupier for any less sum than two shillings and sixpence in any one year, or for any shorter period than a year, unless they shall think fit so to do. Provided also, that a supply of water for domestic purposes shall not include a supply of water for baths, horses, or cattle, or for washing carriages, or for any trade or business whatsoever.

Where several houses supplied by one pipe, each to pay.

LXII. And be it enacted, That when several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if

each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe.

LXIII. And be it enacted, That the owner or occupier of any dwelling-house or part of a dwelling-house liable to the payment of any rate for water supplied under the provisions hereinbefore contained, who shall remove from such dwelling-house or part of a dwelling-house, or shall give notice of his intention to discontinue the use of the water supplied by the Company, shall pay the water rate in respect of such dwelling-house or part of a dwelling-house becoming due up to the first day of June next following his quitting the same, or giving such notice.

Parties removing to pay to next term day.

LXVII. And be it enacted, That if any person supplied with water by the Company shall neglect to pay any water rate or rent due by him at the time of payment thereof, it shall be lawful for the Company or their lessee to stop the water from flowing into the premises of such person, by cutting off the service pipe to such premises, or by such means as the Company or their lessee shall think fit, and to recover the rate or rent due by such person, together with the expenses of cutting off the water, and costs of recovering the same, by summary action in the Sheriff Court of Lanarkshire, either in the form hereby prescribed with reference to recovery of the water rates, or in the usual form of process.

Recovery of rates.

LXXXII. And be it enacted, That the owners of all dwelling-houses or parts of dwelling-houses occupied as separate possessions, and the occupiers of which receive a supply of water from the Company, the annual rateable rent or value of which houses shall not exceed the sum of ten pounds, and which houses shall be let for periods not exceeding one month, shall, in the option of the Company, be liable and subject to the payment of all rates, rents, and other charges made by the Company; and the powers and provisions herein contained for the recovery of rates, rents, and other charges from occupiers shall be construed to extend and apply to the owners of such houses: Provided always, that in the event of the Company exacting such rates from the owners, the Company shall be bound to allow an abatement after the rate of five per centum on the amount of the rates so exigible, to cover risk and trouble in collecting the same from the occupiers.

Owners liable to pay water rates for houses let monthly.

LXXXIII. And in order to prevent any dispute touching the meaning of the word "owner" for the purpose of recovering any rates, rents, or other charges under the provisions of this Act, be it enacted, That the persons receiving the rents of any houses or tenements supplied with water by the said Company from the occupier thereof, on his own account, or as agent or factor for any person interested therein, shall be deemed the owner of such houses or tenements.

What persons deemed owners.

Paupers to
be supplied
gratis.

Poor persons
may be
exempt.

LXXXIV. And be it enacted, That poor persons receiving parochial relief shall be entitled to draw water from the wells and fountains of the Company for their domestic use only, but without causing or permitting undue waste of water, without paying any rate or rent for the same; provided always, that they shall produce to the Collector or other officer of the Company, when required, a certificate under the hands of the parochial authorities, or any officer appointed by them for that purpose, that such person stands on the list of paupers, and is actually in receipt of regular relief from the parish funds; but with power to the Directors, in cases where they may be otherwise satisfied of the poverty of the user of the water, to remit or modify the rates leviable under this Act.

(2.) THE GORBALS GRAVITATION WATER COMPANY ACT, 1853.
(16 AND 17 VICT., C. 98.)

Same rates
to be taken
as in first-
recited Act.

XVII. That it shall be lawful for the Company to demand and receive, for and in respect of any water supplied under the provisions of this Act, the same rates as the Company are by the said first-recited Act¹ authorised to demand and receive for and in respect of water supplied under the provisions of such Act, and the same parties shall be liable for such rates, and the Company shall have the same remedies in respect to the payment and recovery thereof, as are provided by that Act; and the provisions of such Act for the purposes aforesaid shall be applicable to the purposes of this Act.

¹ See sections 48 and 60 of "The Gorbals Gravitation Water Coy. Act, 1846," pp. 207 and 208.

Limits of
Act.

XVIII. That the limits of this Act shall comprehend the said royal burgh of Renfrew and suburbs thereof, and places intermediate and adjacent, all situate in the parishes of Renfrew and Govan and counties of Renfrew and Lanark; but the provisions of this Act shall not confer power on the Company to extend their supply to any place or party within the parliamentary boundary of the burgh of Paisley.

Power to
erect foun-
tains.

XIX. That it shall be lawful for the Company to erect wells or fountains on the streets or other convenient places where the Company may find it convenient to do so within the limits of this Act for supplying the inhabitants with water, and afterwards to remove the same when and as often as they see cause; and all persons, other than persons receiving parochial relief, who shall draw water from such wells or fountains for domestic or manufacturing purposes, or for the use of cattle, or for any other purpose requiring a regular supply of water, shall be liable to pay the water rates, according to the actual amount of the annual rent or

value of their possessions, in the same way as is provided in the case of persons who draw water from pipes within their premises ; and any person who shall improperly interfere with, break, or injure in any way such wells or fountains, or the apparatus therewith connected, or any other part of the works or property of the Company, or who shall flush or draw off the water of the Company so that it shall be unnecessarily wasted, shall be liable to pay the Company a penalty not exceeding five pounds for each offence, besides being liable for all the loss, damage, and expense which may be occasioned thereby, to be recovered, with costs of suit in a summary manner before any competent court.

XX. That, in the absence of a written agreement to the contrary, the occupier of any buildings or premises to or for the use of which a supply of water by the Company has been furnished or taken, and all persons who shall, by themselves, their servants or members of their families, or otherwise, draw water from the wells or fountains of the Company, shall (except in cases where the Company may charge the owners of property in terms of the said "Gorbals Gravitation Water Company Act, 1846"),¹ be deemed to be the persons with whom the Company have contracted, and who are liable in the payment of the charge for the same ; and in the event of any dispute arising as to the liability of any person charged with rates, it shall be sufficient to prove by the oath of one credible witness that such person has been furnished with or has drawn water as aforesaid from the pipes or fountains of the Company, or the service or other pipes therewith connected.

Parties liable in rates in absence of written agreement.

¹ That is, where houses are let for periods not exceeding one month, and do not exceed £10 of annual rent.

XXI. That it shall be lawful for the Company to supply any person with water for other than domestic purposes at such rates and upon such terms and conditions as shall be agreed upon between the Company and the person desirous of having such supply of water.

Water for other than domestic purposes to be supplied by agreement.

XXIII. That whereas it is expedient that a better supply of water should be provided for sanitary purposes within the royal burgh of Renfrew : It shall be lawful for the Company to contract with the Town Council of the said royal burgh, for any period not exceeding three years at one time, for a supply of water for sanitary purposes and for public bathing places and public wash-houses, under the charge of or belonging to the said Town Council, and that under such terms and conditions as may be mutually agreed upon : Provided always, that such supply shall not be inconsistent with the supplies required for the other purposes of this Act.

Supply of water for sanitary and public purposes.

XXIV. That if the Company and the said Town Council shall agree as to the price to be paid by the said Town Council to the Company for such supply, then such price may be settled

Price of such supply, how to be fixed.

by arbitration, in the manner provided by "The Companies Clauses Consolidation (Scotland) Act, 1845," in regard to matters to be settled by arbitration under that Act.

Any existing agreement not to be affected.

XXV. Provided always, That nothing herein contained shall prejudice or affect any agreement already existing between the Company and the said Town Council in regard to the supply of water to the said royal burgh.¹

¹ The Agreement of 15th October, 1852, p. 204.

(3.) THE GLASGOW WATERWORKS COMPANY ACT, 1838.

(1 AND 2 VICT., C. 86.)

Company to furnish a good supply of water at the rates herein mentioned.

XIV. Provided always, and be it enacted, That from and after the passing of this Act the said Company of proprietors shall be obliged to furnish a supply of good wholesome water to every inhabitant occupying a dwelling-house in any square, street, close, or lane of the said city of Glasgow and suburbs, within the limits after specified, in the way and manner hereinafter provided, for the use of his or her family, at the yearly rates hereinafter specified, which yearly rates shall be levied and recovered by the said Company in moities half-yearly, and in advance, viz., a rate not exceeding six pounds ten shillings per centum per annum upon the actual rent or value of the house occupied by such inhabitant, under a deduction of one tenth of such actual rent or value when the rent or value of the house is above five pounds per annum, and at a rate per annum not exceeding five shillings when the rent or value is at or under five pounds per annum; and every such rate shall be calculated according to the actual amount of the rent, subject to the said deduction of one tenth when such rent can be ascertained, and when the same cannot be ascertained according to a valuation to be made by a surveyor chosen and appointed annually by the said Company, whose appointment shall be approved as hereinafter provided; and such surveyor shall be sworn to administer his office faithfully according to his judgment and knowledge, which oath the Sheriff or the said Lord Provost or any one of the Magistrates of Glasgow is hereby authorized to administer; Provided nevertheless, that the said Company shall not be entitled to ask or receive from any such inhabitant more than the sum of ten pounds in any one year for such supply, nor be obliged to furnish such supply to any inhabitant for less than five shillings in any one year, or for a shorter period than one year, unless they shall think fit so to do; and provided further, that in case of manufacturers or vintners, or persons requiring a supply of water for public baths, or for cows or horses, or for any purpose other than usual family or domestic consumption and use, such supply shall in such cases be furnished by the said Company at such rates as shall be settled by and between the Directors and such persons respectively.

PART VI.

BYE-LAWS ENACTED BY THE MAGISTRATES AND COUNCIL OF
THE CITY OF GLASGOW, AS COMMISSIONERS APPOINTED BY
"THE GLASGOW CORPORATION WATERWORKS ACT, 1855."

NOTE.—*The following Bye-laws were adopted and confirmed by the Commissioners at their Annual Meeting held on 18th Ju'y, 1863, and ordered to be obeyed and enforced by all concerned from and after that date.*

1. The Commissioners having, at their first Statutory Meeting, held on 26th July, 1855, committed the execution of the purposes of the Act with all the powers conferred by it, to "The Water Committee" thereby authorised to be appointed, the affairs of the Commissioners shall continue to be managed and directed, as they have been heretofore, by such Committee.

But see provisions of section 17 of "The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Glasgow) Act, 1877." Appendix p. 227.

2. The Water Committee shall consist of seventeen Commissioners—one to be selected from each of the sixteen Municipal Wards of the city, and the Lord Provost for the time being to be a member *ex-officio* and chairman. Seven shall form a quorum.

3. The Water Committee shall appoint annually two standing Sub-Committees, one on works and water supply, the other on finance, and name the conveners and sub-conveners of these Sub-Committees; and with a view to an equal division of labour in carrying on the business, every member of the Water Committee shall be appointed to one or other of these Sub-Committees. Three shall form a quorum.

4. Special Committees may be also appointed from time to time by the Water Committee, or by either of the standing Sub-Committees—to report to the body appointing it, unless otherwise specially ordered.

5. The Lord Provost shall be a member of every Sub and Special Committee *ex-officio*, in addition to the members nominated; and the convener of each of the standing Sub-Committees shall also be a member of the other, *ex-officio*.

6. The Water Committee shall statedly meet at least once every four weeks, unless prevented by particular circumstances—to be explained by the chairman of the next ensuing meeting:—The standing Sub-Committee shall statedly meet fortnightly, on every alternate Monday—Special Committees when necessary. All meetings of the Committee or of Sub-Committees, shall be called by the respective conveners, or in the absence of a convener, by

the sub-convener—who may, in that order, call special meetings of the bodies over which they respectively preside, at any time, and shall also be bound to call such meetings within reasonable time, if requested by written requisition signed by at least four members, stating the object of the meeting, to be specified on the cards calling it.

7. All ordinary meetings of the Water Committee, and of Sub and Special Committees, shall be called by circulars, delivered, or sent by post so as to be delivered at the dwelling-house or place of business of each member, at least twenty-four hours previous to the time of meeting. In the event of the adjournment of any meeting taking place, members to be informed thereof, by circular, if practicable, in order to secure their attendance. The circulars calling meetings of Committee shall contain copies of motions standing for discussion, and specify, so far as practicable, any other business to be transacted. Notices of special meetings of the Committee shall be delivered (except in cases of emergency) forty-eight hours before the time of meeting.

8. The order of business at meetings of the Water Committee shall be (1) The reading and authentication, by the subscription of the chairman, of the minutes of the previous meeting. (2) The reading of the minutes of Sub or Special Committees, and the transaction of business arising thereon. (3) The reading and disposal of all memorials, petitions, or other communications received for the consideration of the Committee. (4) An opportunity shall be given to members for asking and receiving explanations on the business of the Committee, and giving notices of motion; which notices, after being read, shall be delivered to the Secretary without discussion at the time; and (5) The discussion and disposal, in their order, of motions, and any other business specified on the notice calling the meeting; no motion being allowed to be withdrawn, and no new business to be taken up of which due notice has not been given, except in either case, with the unanimous consent of the members present.

9. The mover of any resolution, but not of an amendment, shall have a right to reply, after which, the question shall be put from the chair. No other member shall be allowed, without the chairman's permission, to speak more than once on the same question, except to explain or to call attention to a point of order. Members to request permission from the chairman before leaving a meeting, the business of which has not been formally concluded.

10. The Secretary shall keep a draft minute book, and read from it at each meeting a draft or outline of the minutes which shall be signed by the chairman before the meeting is closed; and the chairman shall also enter briefly in the order of business book, the result of the deliberations of meetings on all the different subjects considered; which entries shall be compared with the extended minutes when read at next meeting.

11. Separate minute books shall be kept for recording the minutes of each Sub and Special Committee; and these minutes

shall always be read at the first meeting of Committee, held after their respective dates.

12. The Secretary shall transmit to the respective conveners extracts of all minutes, containing remits to Sub or Special Committees, immediately after the extended minutes are engrossed in minute book; and in order to prevent any matter of business being lost sight of, a note of the remits upon which reports have not been made, shall be inserted in the order of business book, to be laid before the chairman of every subsequent meeting of the Committee or Sub-Committee who made the remit until reported on.

13. The Sub-Committee on Works and Water Supply shall meet as often as they think proper, and from time to time inspect or cause to be inspected and checked, the books of the Engineer, and all other books and accounts kept by any official or servant in the department of Works and Water Supply; examine, pass when correct, and order payment of, the workmen's pay bills, the incidental disbursements of any officer, workman, or servant, and the accounts of contractors, tradesmen, or others for work, services or furnishings authorised; and, generally, all accounts or claims, forming items of ordinary expenditure, including the extension of distributing pipes. Nothing contained herein, nor in No. 14 following, shall be construed into an impediment upon any member of the Water Committee examining into all books and accounts in any department of the establishment.

14. The Sub-Committee on Finance shall also meet as often as they think proper, and from time to time inspect or cause to be inspected and checked, the books of the Treasurer, and inquire into the state of the revenue and expenditure, in order to see that the one is diligently collected and the other duly authorized and applied; for which purpose the Treasurer's cash books, bank books, and all other relative books and vouchers shall, if required, be laid before them at each ordinary meeting, and on all other necessary occasions. They shall also examine, and pass when correct, and order payment of the officers' pay bills, and any accounts, taxes, rates, or other charges not in the department of Works and Water Supply;—consider and determine the amount of loans necessary at any particular time, with the rate of interest to be allowed; grant all bank orders to the Treasurer, which shall be signed only at meetings of the Sub-Committee by two members duly authorised;—examine and compare with the relative entries in the books of the Commissioners, and, if approved, two of their number shall initial as correct every mortgage before it is presented to a meeting of Commissioners for execution;—and, generally, overlook and direct the financial affairs of the establishment. Provided always that the present amount of mortgage debt shall not be increased without a special report made to the Committee, explaining the necessity for it, and obtaining the Committee's authority.

15. No Sub or Special Committee shall order or authorise any

extraordinary expenditure without the express sanction of the Committee; and the whole proceedings of Sub and Special Committees shall be reported to the Committee at least monthly.

16. The Secretary shall lay before the Sub-Committee on Finance at their first meeting in December, all securities held for the intromissions and faithful discharge of the duties of the different officers and servants, accompanied with a report thereon by him.

17. The Engineer shall make a report to each fortnightly meeting of the Sub-Committee on Works and Water Supply, and record in a book kept for the purpose, the height of the water level in the different lochs and reservoirs, with the average quantity of water sent into the city during the preceding fortnight; and he shall present to the Water Committee every three months a written report on the state of the works generally.

18. No appointment to an office that may be considered salaried or yearly shall be made at the meeting of Committee, at which it is first proposed, but the proposal shall lie upon the table till next meeting, even although all the members present at the first meeting should agree to make the appointment at that meeting.

19. The Secretary, Treasurer, and Engineer shall have power, in their respective departments, to suspend for misconduct, any officer or servant from office or employment until the first meeting of the Committee, or appropriate Sub-Committee, who shall then give such deliverance on the case as may seem meet.

20. All work and furnishings of importance shall be executed or supplied by contract, excepting always work specially ordered or otherwise requiring to be executed by the Committee's own workmen; and no work not specially ordered or requiring to be so executed, where the estimated cost is £50 or upwards, shall be executed but by contract. No Commissioner, or firm of which any Commissioner is a partner, shall be eligible as a contractor, or be entitled to execute work, or to supply furnishings of any kind, either with or without contract.

21. The Committee shall make a report to the Statutory Annual Meeting of Commissioners appointed to be held on the third Thursday of July in every year, of their proceedings during the preceding year; which report shall be printed, along with the abstract statement and accounts required by the Amendment Act of 1859, and a copy of both shall be delivered to every Commissioner fourteen days at least prior to such annual meeting.

NOTE.—The expression "the Secretary" shall include the word "Clerk."

Signed in name and behalf, and by appointment of the Commissioners, at their annual meeting, held 16th July, 1863.

(Signed) PETER CLOUSTON, *Lord Provost.*

„ JOHN THOMSON, *Sub-Convenor of Water Committee.*

PART VII.

AGREEMENTS ENTERED INTO WITH REFERENCE TO "THE GLASGOW CORPORATION WATERWORKS AMENDMENT ACT, 1866."

NOTE.—*The Articles of these Agreements which are omitted, have either been superseded by the Act, or the provisions contained therein have lapsed and are therefore not now in force.*

(1) AGREEMENT with Messrs. Henry Monteith & Co., and others.

(Dated 4th and 5th May, 1866.)

THIS AGREEMENT, entered into and executed by and between the Commissioners of the Glasgow Corporation Water Works, of the first part, and the following persons and companies, owners or occupiers of manufactories and works in and near Glasgow, drawing their supply of water from the river Clyde, viz.:—Henry Monteith & Company, of Barrowfield Works; Fleming, Watson, & Nairn, of Adelphi Dye Works; Alexander Harvey & Son, of Govanhaugh Dye Works; Charles Todd & Higginbotham, of Springfield Works; Stewart & Brown, of Glasgow Paper Mills; Donald Matheson & Company, of Govancroft Dye Works; J. & W. I. Scott & Company, of John Street Mills; John Bartholomew & Company, of Dalmarnock Dye Works; Forrest, Frew, & Company, of Rutherglen Bridge Works; James Paterson & Company, of Newhall Street Factory; John Robertson & Company, of Newhall Factory; G. & A. Harvey, of Albion Machine Works; John Sommerville & Sons, of Nursery Cotton Factory; J. J. Cochrane & Company, of Wellington Mills; P. & W. McClellan, of Clutha Iron Works; and J. R. Cochrane & Company, of Albyn Mills, of the second part, witnesseth:—That whereas the said first parties are now promoting a Bill in Parliament "To authorize the Commissioners of the Glasgow Corporation Waterworks to construct reservoirs and other works, and to take water from the river Clyde; to provide for the removal of the Weir across the said river, and for other purposes:" And whereas both parties hereto have agreed upon the insertion in said Bill of certain adjusted clauses and schedules, a copy of which is now subscribed as relative hereto, providing for a supply of water to the said second parties, who, on the ground of alleged injury to their several works by the removal of the said Weir, opposed a Bill promoted in the last Session of the late Parliament for, *inter alia*, that purpose: And whereas it has been further agreed between the parties hereto that the said Bill now promoted by the first parties shall not be allowed, except by the consent of the second parties hereto, or of a majority of them, to pass into a law, unless the said adjusted clauses form part of the Act: And whereas there are other matters connected with the arrangement embodied in the said adjusted clauses which it is fitting should be provided for by mutual agreement of parties:

Therefore it is hereby agreed and ended between the first and second parties, and they hereby respectively bind and oblige themselves as follows, namely:—

Second.—The maximum rate for the additional supply of 1,000,000 gallons of water per day to be furnished under the Act¹ to the second parties hereto is hereby fixed at twelve shillings and sixpence for every 100,000 gallons: Provided that if at any time a lower rate is charged for a supply of water to other persons or companies from the reservoirs to be authorized by the said Bill, such lower rate only shall be chargeable to the second parties for such additional supply.

¹ See sect. 21 of the Amendment Act, 1866, p. 81.

Third.—The daily supply of water to be provided by the said Act shall be delivered to the second parties respectively whose names are mentioned in the schedule A¹ to the said clauses, in manner mentioned in said clauses, within ten hours, if required, and at the several heights mentioned in the schedule annexed to this Agreement; and the parties now agree to refer to John Frederic Bateman, Esquire, Civil Engineer, London, as sole arbiter between them, the question whether the works to be authorized by the said Bill, as the same may be shown on the working plans hereafter to be prepared for the execution thereof, are sufficient to secure the delivery of such supply of water in manner aforesaid, with power to him to order such alterations on said works, or such additions thereto, as may in his opinion be necessary for that purpose.

¹ See schedule A annexed to this Agreement.

Lastly.—In case of any difference of opinion arising between the parties to this Agreement, or any of them, as to the meaning thereof, or as to any alteration proposed on the said Bill during its progress in Parliament being consistent with the intention of the parties hereto, or generally as to any point connected with the carrying out *bona fide* of the terms of this Agreement, all such differences are hereby referred to the decision of John Horatio Lloyd, Esquire, Barrister-at-Law, as sole arbiter; and the parties hereto respectively bind and oblige themselves to abide by his decision, and they consent to registration hereof for preservation and execution, and thereto constitute

Procurators. IN WITNESS WHEREOF &c.

(Signed) JNO. BLACKIE, JUN., *Lord Provost*.
JAS. BROWN.
HENRY MONTEITH & Co.
ALEX. GRAHAME.
EDWIN HIGGINBOTHAM.
JAMES ROBERTSON.
JOHN BARTHOLOMEW & Co.

(Signed) ALEX. GRAHAME, *Witness*.
D. MACLAURIN, *Witness*.
ANDW. BANNATYNE, *Witness*.
ALEX. GRAHAME, *Witness*.

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SCHEDULE referred to in Article Third of the foregoing Agreement.

Names of Persons and Companies.	Names of Works.	Height above Ordnance Datum at which Water is to be Delivered.
		Feet.
Henry Monteith & Co., ¹ .	Barrowfield Works, .	46½
Fleming, Watson, & Nairn, ² .	Adelphi Dye Works, .	43
Alexander Harvey & Son, .	Govanhaugh Dye Works, .	42½
Charles Todd & Higginbotham, .	Springfield Works, .	41½
Stewart & Brown, .	Glasgow Paper Mills, .	42
Donald Matheson & Co., .	Govancroft Dye Works, .	42
J. & W. I. Scott & Co., ³ .	John Street Mills, .	44½
John Bartholomew & Co., .	Dalmarnock Dye Works, .	48
Forrest, Frew, & Co., .	Rutherglen Bridge Works, .	47
James Paterson & Co., .	Newhall Street Factory, .	47
John Robertson & Co., ⁴ .	Newhall Factory, .	45½
G. & A. Harvey, .	Albion Machine Works, .	42½
John Sommerville & Sons, .	Nursery Cotton Factory, .	42½
J. J. Cochrane & Co., .	Wellington Mills, .	41
P. & W. M'Lellan, .	Clutha Iron Works, .	40
J. R. Cochrane & Co., .	Albyn Mills, .	42

(Signed) JNO. BLACKIE, JUN., *Lord Provost.*
JAS. BROWN.
HENRY MONTEITH & Co.
EDWIN HIGGINBOTHAM.
JAMES ROBERTSON.
JOHN BARTHOLOMEW & Co.

¹, ² and ³ See sect. 16 of the Amendment Act 1879, p. 113.

⁴ By Agreement between the Commissioners and Messrs. Robertson & Co., of date 21st and 29th January, 1878, the latter, both in their own right and as successors of Messrs. Scott & Co., discharged the obligation in Article 3 of this Agreement as to the height at which the water is to be delivered to them.

(2) AGREEMENT with Messrs. William M'Lean & Son.

(Dated 28th and 30th April, 1866.)

The Commissioners appointed and acting under "The Glasgow Corporation Waterworks Act, 1855," promoters of "A Bill to authorize the Commissioners of the Glasgow Corporation Water-

works to construct Reservoirs and other Works, and to take water from the river Clyde; to provide for the removal of the Weir across the said river, and for other purposes," on the first part; and William M'Lean & Son, dyers at Clydesdale Dye Works, near Glasgow, and John M'Lean, sole partner of that firm, petitioners against the said Bill, on the second part:—The said parties have agreed and do hereby agree as follows:—

* * * * *

Second.—The first party hereby also undertake in the event of the said Bill passing into an Act, and in the event also of the second party or their successors finding and representing to the Commissioners, after the removal of the dam or weir and lock to be authorized by the said Act, that the water in the river at the point from which they at present draw water from the river has become, in consequence of the said removal, polluted or injuriously affected, so as to be rendered unsuitable for the purposes of their works, and for conducting processes of manufacture similar to those at present carried on in said works, they shall be entitled to require the first party to cause a pipe to be laid either in the bed of the river or along the side thereof, from a point in the river above and near to Dalmarnock Ford, situated not less than three hundred yards above Dalmarnock Bridge, and down to a point opposite to the middle of the buildings of the second party's works, they bearing one-half of the expense for the purpose of conveying water from the point first mentioned to the second party's works; which requisition, containing such representation, the Commissioners shall without delay comply with; and it is hereby declared that the pipe shall be of cast iron, and of dimensions not less than twenty inches in diameter in the inside, and of sufficient thickness of metal; and the rose at the end of which, at the said point from which it is to be led, shall be at least two feet under the level of the surface of the water in the river at ebb-tide, measuring from the surface to the centre of the pipe in the ordinary state of the river at the said point after the said weir and lock shall have been removed; and the said pipe shall be laid on such a level and in such manner as will enable the second party to draw water for their works therefrom. In case of any difference of opinion between the parties hereto as to the execution of the operations, or the levels and manner in which the said pipe shall be laid, the same shall be fixed and decided by two neutral engineers, one to be named by each party, and by an oversman to be appointed by such engineers, if they should differ in opinion. The first party hereto bind themselves to lay such pipe, and execute the necessary operations connected therewith, within one month after receiving such requisition or award by the arbiters or oversman; and failing their doing so, the second party shall be and he is hereby authorized to employ qualified persons to do the work, and to charge one-half of the cost against the first party. The first party further engage and bind themselves to obtain, within three months after the passing of the said Act, the consent

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of the owners of land between the said point from which the water is to be taken as aforesaid and the works of the second party, to lead the said pipe in manner herein provided.

Fourth.—In consideration of the foregoing undertakings by the first party, the second party hereby withdraw their Petition against, and all further opposition to the said Bill.

IN WITNESS WHEREOF, &c.

(Signed) JNO. BLACKIE, JUN., *Lord Provost.*
JAS. BROWN.
WILLIAM M'LEAN & SON.
JOHN M'LEAN.

(Signed) JOHN BURNET, *Witness.*
JAS. COUPER, *Witness.*
ROBERT ROSS, *Witness.*
JAMES S. GIBSON, *Witness.*

PART VIII.

REPORT by Councillor James Brown, Mr. J. D. Marwick, Town Clerk, and Mr. James M. Gale, C.E., Engineer to the Commissioners, under remit to them to report on the statutory obligations on the Water Commissioners as regards the area of water supply, and the past proceedings of the Commissioners in reference thereto.

See Sect. 82 of "The Glasgow Corporation Waterworks Act, 1855," p. 28.

2nd April, 1874.—Of this date the Water Commissioners remitted to the Water Committee to consider and report on the following motion :—"That there be no farther extension in the area of water supply without the concurrence and approval of the Commissioners."

20th April, 1874.—Of this date the Water Committee remitted the above motion to the Sub-Committee on Works, with instructions to give it their consideration and to report.

27th April, 1874.—Of this date the Sub-Committee requested the reporters "to investigate and report on the statutory obligations of the Commissioners as regards the area of water supply, and the past proceedings of the Commissioners in regard thereto."

The statutory obligations on the Commissioners as regards the area of water supply are contained in the 82nd and 86th sections of "The Glasgow Corporation Waterworks Act, 1855," and the 35th Section of "The Waterworks Clauses Act, 1847," which are appended hereto.

See sections 82 and 86 of "The Glasgow Corporation Waterworks Act, 1855" (pp. 28 and 30), and section 35 of "The Waterworks Clauses Act, 1847." Appendix, p. 160.

The first of these defines the limits of the Glasgow Corporation Waterworks Act as comprising and including the city of Glasgow and suburbs thereof, and districts and places adjacent, including the royal burghs of Rutherglen and Renfrew, the burghs, towns, or villages of Partick, Pollokshaws, Govan, Barrhead, Nitshill, and Hurlet, and places intermediate and adjacent; and by the 2nd and 3rd of these sections the Commissioners are bound to cause pipes to be laid down and water to be brought to every part of the places and districts within the limits of the Act beyond the limits of compulsory supply, whenever they shall be required by so many owners or occupiers of houses, or parts of houses occupied as separate dwellings in such part of the district, beyond the limits of compulsory supply, as that the aggregate amount of water rate

payable by them annually, at such rates as may be fixed by the Commissioners, shall not be less than one-tenth part of the expense of providing and laying down such pipes. The Commissioners are further bound to provide and keep in the pipes so laid down a constant supply of water at such pressure as will make the water reach the top story of the highest houses within the limits, subject to the exceptions specified in the local Act.¹

¹ See section 13 of "The Glasgow Corporation Waterworks Amendment Act, 1865," p. 65.

The limits of the Act of 1855 are so indefinite that it is impossible to lay down any arbitrary line within which the Commissioners are bound to give a supply, and beyond which it can be said that they are under no obligation to go. The reporters have, therefore, felt themselves constrained to inquire—

- (1) What districts intermediate and adjacent to the burghs, towns, or villages mentioned in the 82nd section of the Act are supplied with water otherwise than by the Commissioners? And
- (2) What are the physical limits of the distribution of the water at the disposal of the Commissioners?

These have been laid down on the accompanying map prepared by Mr. Gale, which shows in blue the portions of Glasgow supplied and proposed to be supplied by the high level system of pipes; in pink, the portion supplied by the low level system of pipes; in yellow the portion of Glasgow and the adjoining districts supplied from the Gorbals works; in brown, the districts having water supplies of their own; and in black, those areas which are too high to be supplied by the Commissioners from their existing works by gravitation.

As regards these last, the boundary is, as might be expected, irregular, and represents the level to which the water will rise during the day to the surface of the ground. Houses placed on this line will get water on the ground only during the day. At night, when the quantity of water drawn from the pipes is greatly reduced, and the pressure consequently increased, the water will rise higher.

The boundary line of the portions coloured black is not level; it has a continuous fall of 12 feet a mile, reckoning from the top water level of Mugdock reservoir, on the north side of the Clyde, and from the Gorbals tanks on the south side, and at that part which passes to the south and west of Barrhead from the Barrhead tank, which is supplied from the highest of the three Gorbals reservoirs. It may also be mentioned that the fall of 12 feet per mile is arbitrary. The water must have some fall to attain the velocity in the pipes, and 12 feet a mile has been taken, that being the least fall at which it was proposed to work the mains when the Loch Katrine works were designed. The fall or "loss of head" could be made less by laying larger pipes, and the proposed new main from Mugdock for the supply of high levels within the limits of compulsory

supply may be worked at a "loss of head" of 7 feet a mile only. But for outlying districts a fall of 12 feet a mile is thought to be as little as ought to be calculated on.

With these observations, explanatory of the principles on which Mr. Gale has constructed the map, it may be stated, on the assumption that the limits of the Act are to be determined by the limits within which the Commissioners can supply water by gravitation, that the limits on the north are defined by high grounds; on the east, commencing at the north, by (1) the valley of the Kelvin (limit undefined); (2) high ground; (3) the valley of the Clyde (limit undefined); (4) the water supply district of Cambuslang; and (5) high ground. On the south wholly by high ground. On the west, commencing at the south, by (1) high ground; (2) the valley of the White Cart water, south of Paisley (limit undefined); (3) the Paisley water district; (4) the valley of the Clyde (limit undefined); (5) the water supply district of Duntocher; and (6) high ground.

There are thus two places on the east and two on the west where the limits of supply are not defined either by the levels or by the boundaries of other water districts.

As regards the first of these undefined places, viz., the valley of the Kelvin, it will be for the Commissioners to consider what should be the limit in this direction. Possibly this might be defined by a line drawn in a north-westerly direction from Cadder Parish Church to the stepping stones across the Kelvin, then by the Kelvin westward till it is joined by the Allander water, and then by a line drawn due north from that point till it joins the high grounds on the north above described.

Certain Agreements have been entered into between the Commissioners and the Local Authorities of various special water supply districts which have now been formed for the purpose of supplying water to the high levels to the north and north-east of Glasgow beyond the municipal boundaries. See p. 90.

As regards the second undefined limit across the valley of the Clyde, it may be noticed that the Airdrie and Coatbridge Water Company have power under their Acts to supply the whole parish of Old Monkland, and that the Company have pipes laid, and compete with the Commissioners in the Mount Vernon district. If the district east of Mount Vernon were given over to that Company, the limit at this point would be defined.

An Agreement has been entered into between the Commissioners and the Airdrie and Coatbridge Water Company for the purpose of adjusting the limits of their respective areas of supply. See p. 29.

As regards the undefined limits north and south of Paisley, it appears to the reporters that, having regard to the probable extension of the town, it would be desirable to have an arrangement come to with the authorities there, under which such an extension of their boundaries might be made as would provide for a subsequent extension of that burgh; and that, while its authorities should undertake the supply within those extended districts, the Commissioners should undertake not to carry any pipes.¹ An extension of about a mile around the boundaries of the present

water supply district of Paisley would close up the present undefined boundary of the valley of the White Cart water south of Paisley;² and the White Cart and Black Cart waters, till they join the river Clyde, would form the natural limit north of the town.

¹ An Agreement has been entered into between the Commissioners and the Paisley Water Commissioners with the view of carrying out the arrangements here suggested. See p. 29.

² An Agreement has also been entered into between the Commissioners and the Busby Water Company in order to circumscribe the limits of their respective areas of supply. See p. 29.

As regards the past proceedings of the Commissioners in regard to the limits of supply, the reporters have to state that the Commissioners have acted in strict accordance with the provisions of Section 86 of their Act of 1855, except in cases where it appeared to the Water Committee that there was an immediate prospect of houses being erected to such an extent as to secure that the laying of pipes would be remunerative, in which cases the Committee have not considered it necessary to insist on a guarantee for a return of 10 per cent., as provided by the Act of 1855 and the General Act of 1847.

(Signed)

JAS. BROWN.
J. D. MARWICK.
JAMES M. GALE.

PART IX.

THE GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT,
1862, ORDER CONFIRMATION (GLASGOW) ACT, 1877.

AN

ACT

To confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Royal Burgh of Glasgow.

40 AND 41 VICT., CAP. 128.

*(Royal Assent 23rd July, 1877.)**See Sec. 8 of "The Glasgow Corporation Waterworks Act, 1855," p. 5.*

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's principal Secretaries of State, has under the provisions of "The General Police and Improvement (Scotland) Act, 1862," duly made the Provisional Order which is contained in the schedule to this Act annexed, and it is provided by the said Act that no such order shall be of any validity unless the same has been confirmed by Act of Parliament, and it is expedient that the said order should be so confirmed:—

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of Provisional Order. 1. The Provisional Order contained in the schedule to this Act annexed shall be and is hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, be as valid and have the like force and effect as if the same were specially enacted in this Act.

Short title. 2. This Act may be cited as "The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Glasgow) Act, 1877."

SCHEDULE.

GLASGOW

The General Police and Improvement (Scotland) Act, 1862
(25 and 26 Vict., cap. 101).

.
And whereas the foresaid petition [the petition referred to in the Order] further prays that certain parts of "The Glasgow Corporation Waterworks Act, 1855," therein set forth should be repealed, and that provision should otherwise be made for regulating the future application and execution of the said Act, and of "The Glasgow Corporation Waterworks Amendment Act, 1859," "The Glasgow Corporation Waterworks Amendment Act, 1860," "The Glasgow Corporation Waterworks Amendment Act, 1865," "The Glasgow Corporation Waterworks Amendment Act, 1866," "The Glasgow Corporation Waterworks Amendment Act, 1873," and "The Glasgow Corporation Waterworks Amendment Act, 1877."

And whereas due inquiry has been directed and held in respect of the matters mentioned in the said petition :—

Now, therefore, in pursuance of the powers vested in me by the said "General Police and Improvement (Scotland) Act, 1862," I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order, under my hand and seal of office, direct that from and after any Act of Parliament confirming the same.

.
(17.) Section 8 of "The Glasgow Corporation Waterworks Act, 1855" (18 and 19 Vict., c. 118), is hereby repealed, and from and after the passing of the Act confirming this Order, the Magistrates and Council of the City of Glasgow, as Commissioners appointed under the said Act, shall have power at any meeting, from time to time, to appoint a committee of their own number for transacting the business of the Commissioners, or such portion thereof as they may specially define ; and the Commissioners may name a convener and sub-convener, and fix the quorum of such committee, and may continue, alter, or discontinue such committee. And the committee so appointed may appoint sub-committees of their number. And the minutes and proceedings of such committee or sub-committees shall be reported to the Commissioners at such time and in such manner as the Commissioners may from time to time direct. And wherever the expression "water committee," or "the committee," is used in

"The Glasgow Corporation Waterworks Act, 1855," "The Glasgow Corporation Waterworks Amendment Act, 1859," "The Glasgow Corporation Waterworks Amendment Act, 1860," "The Glasgow Corporation Waterworks Amendment Act, 1865," "The Glasgow Corporation Waterworks Amendment Act, 1866," "The Glasgow Corporation Waterworks Amendment Act, 1873," and "The Glasgow Corporation Waterworks Amendment Act, 1877," the same shall be held to mean the committee appointed under the provisions hereof.

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